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Users' Guide

Interpretation By-Law

- Use of an interpretation By-Law is recommended to avoid having to use repetitively cumbersome wording, and to avoid having to define, within each By-Law or Policy document, terms that are commonly used in many of the municipal unit's By-Laws and Policies. This can enhance the simplicity and understandability of these documents.

- As an obvious example, "the Municipality", "the Town" or "the Region" might be used in By-Laws and Policies in place of the full legal name of the municipal unit, and need not be defined in each By-Law or Policy if it is a defined term in an Interpretation By-Law.

- When including a defined term in the interpretation By-Law care must be taken to ensure that the defined term is not used in a different sense in any existing By-Laws or Policies. After adopting an interpretation By-Law, care will also be required to ensure that defined terms in subsequently drafted By-Laws or Policies are used in a compatible sense.

- A possible wording for the definitions section of an Interpretation By-Law would be:

  "In the By-Laws and Policies of **[insert full legal name of the Municipality]**, including those passed before or after the adoption of this By-Law, subject to definitions contained within specific By-Laws or Policies and unless the context indicates otherwise

  (1) "Municipality" means …;

  …

  ([z]) and terms which are defined in applicable provincial enabling legislation or in the *Interpretation Act* have the same meaning in the **[Municipality's]** By-Laws and Policies."

  If paragraph **[z]** in the above draft is used, the definitions in the enabling legislation should be reviewed for compatibility.

Making Changes to the Model Policies

- Bolded items in square brackets in the model Policy documents indicate places in which the individual municipality must insert an appropriate choice. References in the model documents to section numbers within the same document have been bolded to remind the user to change the section numbers when additions or deletions to the

model document have been made by the user, possibly affecting the section numbering.

- The model Policy documents are only models. Each municipal unit should change the model documents to suit the policy choices of Council and the circumstances applicable to the individual municipal unit. In making changes, it is suggested that care should be taken to:

- review the Editor's Annotations for any suggestions that may be available;

- review the enabling legislation to ensure the change appears to be authorized by Statute;

- examine the model document to ensure that the remaining text is modified in all applicable places for consistency, and to ensure the change does not create inappropriate gaps in coverage of the Policy or undue ambiguity in its interpretation;

- consider whether the change will impact on other By-Laws or Policies, including an Interpretation By-Law; and

- review the draft with the unit's solicitor prior to submission to Council.

Electronic Version of the Model Policies

Municipal units may obtain electronic versions of the model Policies and the associated Editor's Annotations in Microsoft Word format from the Association of Municipal Administrators. The documents will be provided on CD or disk for a modest charge. Contact:

Association of Municipal Administrators
Suite 1106, 1809 Barrington St
Halifax, N.S.
B3J 3K8
Tel (902) 423-2215
Fax (902) 425-5592
e-mail: **amans@istar.ca**

Solicitor's Advice

The legal effect of the model policy documents may be affected by legal developments since the time of drafting. Additionally, the documents may be subject to particular legal issues affecting your municipality. Other errors or omissions may have found their way into the documents. **The model policies should not be enacted without prior review with your Municipal solicitor**. The publishers, editors, and authors of this manual accept no liability for any claims arising from the use of this Manual.

Chapter [1]
Council Meetings and Proceedings Policy

General

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation.

2. In this Policy, unless the context otherwise requires,

   (1) "business day(s)" means a day when the **[Municipality's]** office is open for business;

   (2) "Chair" means the presiding officer;

   (3) "Council" means the Council of the **[Municipality]**;

   (4) "Council Member(s)" include(s) the **[Mayor OR Warden]** unless the context indicates otherwise;

   (5) "majority" means more than one half of those present, unless the context indicates otherwise.

Time, Place, Date and Notice of Meetings

3. Unless otherwise specified pursuant to section **[4]**, regular meetings of Council shall be held

   (1) at **[name and location or address of meeting place]**;

   (2) on the **[e.g. the last Thursday of every month OR first and third Wednesday of each month, etc.]** except that there shall be no regular meeting **[e.g. during the months of July and December OR on the first Wednesday in August or the third Wednesday in December, etc.]**;

(3) commencing at **[time of meeting]**.

4. Regular meetings of Council may be rescheduled, relocated or cancelled

(1) by resolution or consensus, including a contingent resolution or consensus, of Council at a previous meeting three or more days in advance of the additional or special meeting;

(2) by resolution or consensus, including a contingent resolution or consensus, of **[Committee of the Whole]** at a meeting three or more days in advance of the additional or special meeting; or

(3) by the **[CAO OR Clerk]** on behalf of the **[Mayor OR Warden]**, owing to unforeseen circumstances, provided the **[Mayor OR Warden]** believes that the majority of Council Members would support such a step.

5. Additional or special meetings of Council may be convened

(1) by resolution or consensus, including a contingent resolution or consensus, of Council at a previous meeting three or more days in advance of the additional or special meeting;

(2) by resolution or consensus, including a contingent resolution or consensus, of **[Committee of the Whole]** at a meeting three or more days in advance of the additional or special meeting; or

(3) by the **[CAO OR Clerk]** on behalf of the **[Mayor OR Warden]**, owing to unforeseen circumstances, provided the **[Mayor OR Warden]** believes that the majority of Council Members would support such a step.

6. Specific notice to Council Members and to the public need not be provided of

(1) meetings held pursuant to section **[3]**; or

(2) meetings held pursuant to subsection **[(1) and (2) of section 4 or 5]**;

but, subject to any statutory relaxation of notice requirements, three days notice shall be specifically provided for other meetings to Council Members in the manner

described in **[sections 7 and 8]** and to the public in the manner described in **[section 9]**.

7. Subject to section [6], notice of meetings shall be provided verbally, by telephone or telephone answering machine, or in writing (including electronic mail or facsimile messages) to each Council Member.

8. Within 30 days following the first meeting of Council after a municipal election or by-election, each elected Council Member shall provide to the **[CAO OR Clerk]**

   (1) a telephone number at which the Council Member has, and will maintain, access to a telephone answering machine which the Council Member will check at least once per day; or

   (2) an electronic mail address or facsimile telephone number at which the Council Member has, and will maintain, access to electronic mail or facsimile messages, as the case may be, and which the Council Member will check at least once per day;

   failing which the Council Member shall be responsible for checking at least once per business day a mailbox assigned to the Council Member and marked with the Council Member's name located at **[insert detailed location of Council Member mailboxes]** and shall be deemed to have chosen this method of notification. The Council Member shall be deemed to have received any notice within one business day of its being sent or left by the method of the Council Member's choice pursuant to this section.

9. Subject to section **[6]**, notice of meetings shall be provided to the public by posting at **[insert prominent location used for posting notices]** a "Notice of Council Meeting" containing the time, date and place of the meeting.

10. The regular meeting held on **[insert description of annual meeting date]** shall be the annual meeting of Council.

Conduct of Meetings: General

11. During a meeting Council may adjourn for short periods or move to another place,

without ending the meeting.

12. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.

13. The minutes shall be kept by the Clerk and shall:

    (1) record the time when any Council Member joins or leaves a meeting which is in progress;

    (2) contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders, and shall record the outcome of each vote;

    (3) mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents.

14. It shall be the duty of the Chair to:

    (1) open the meeting of Council by taking the chair and calling the Council Members to order;

    (2) ask the Council whether there is a consensus on an item of procedure or business, and if no Council Member indicates dissent, may treat the item as resolved to the same extent as if a motion had been duly moved, seconded and passed by vote;

    (3) receive and submit to Council motions properly presented by a Council Member;

    (4) put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote;

    (5) decline to put to a vote, a motion which infringes upon the rules of

procedure;

(6) restrain the Council Members, when engaged in debate, within the rules of conduct of debate;

(7) enforce on all occasions, the observance of order and decorum;

(8) call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;

(9) inform the Council when necessary, or when referred to, on a point of order;

(10) permit the **[Chief Administrative Officer OR Clerk]** to speak on any point upon request;

(11) permit proper questions to be asked through the Chair of any official or employee of the **[Municipality]**, or any member of the public in attendance, to provide information to assist any debate;

(12) declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meting time; and

(13) adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or consensus, when the adjournment time has been reached, except when it is extended by unanimous consent.

15. At Council meetings, unless a majority consents to a different order for that meeting, Council shall conduct business in the following order;

(1) roll call;

(2) public hearings;

(3) approval of agenda, including additions or deletions;

(4) approval of minutes from the previous meeting;

(5) business arising from minutes;

(6) presentations;

(7) consideration of correspondence;

(8) reading of reports of committees and of officers;

(9) motions;

(10) notices of motions;

(11) new or other business;

(12) adjournment.

16. At the time the agenda is put forward for approval the Chair shall inquire of Council Members whether they have any new or other business. Council Members having such business shall then identify it for the Chair, or shall lose the right to raise new or other business at the meeting.

17. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate as the Council Member who has the floor the Council Member who, in the opinion of the Chair, first raised a hand.

18. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.

19. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.

20. No Council Member shall speak more than ten minutes upon any matter at one time, without the leave of Council.

Conduct of Meetings: Motions and Voting

21. The Chair shall state every question properly presented to Council and before putting

it to a vote, shall ask "Is Council ready for the question" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.

22. The usual form of voting on any question shall be by the chair calling for "yeas" and "nays", but any Council Member, before or after a voice vote can call for, and obtain through the Chair, a show of hands, and any two Council Members can call for, and obtain through the Chair, a recorded vote with each Council Member's vote entered into the minutes.

23. A motion must be seconded and then repeated by the Chair or read aloud by the Clerk before it is debated. The Chair may direct that the motion be put in writing.

24. After reading of a motion by the Chair or Clerk, it shall be open for discussion.

25. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.

26. When any question is before the Council, the only motions in order shall be:

    (1) a motion in amendment of the original motion;

    (2) a motion to refer the question, including the motion and amendment if one is moved, to any committee;

    (3) a motion to defer the consideration of the question either indefinitely or to a specified time;

    (4) a motion to close the debate at a specified time;

    (5) a motion that the question be put to a vote;

    (6) a motion to adjourn;

27. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment except to the original motion or to the amendment, except the following:

    (1) to refer to a committee;

(2) to defer the consideration of the question;

(3) to close the debate at a specified time;

(4) that the question be put to a vote;

(5) to adjourn;

any of which may be moved either to the original motion or to the amendment of the original motion.

28. A motion:

(1) that the debate be closed at a specified time; or

(2) that the question be put to a vote,

shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not itself be put to a vote until every Council Member who has not spoken on the question and claims a right to speak has been heard.

29. A motion that the question be put to a vote shall preclude all amendment to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "That this question be put to a vote". If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall proceed to other business.

30. A motion to adjourn shall always be in order except in the following cases:

(1) when a Council Member is in possession of the floor;

(2) when the "yeas" and "nays" are being called;

(3) while the Council Members are voting; or

(4) when the adjournment was the last preceding motion.

31. The following questions shall be decided without debate:

(1) a motion to reconsider;

(2) all motions as to priority of business or as to the suspension of the order of the day;

(3) application to speak more than the prescribed number of times;

(4) a motion to allow any person other than the Council Members to address the Council;

(5) a motion to postpone to a specified time or day;

(6) a motion to lay on the table when claiming a privilege over another person; and

(7) a motion to adjourn.

32. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.

33. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the **[Municipality]** to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.

34. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.

35. After any question has been decided either in the affirmative or negative, any **[insert number]** Council Members may, after the decision has been announced from the chair, but before adjournment of the meeting give notice of an intention to move a reconsideration at the next meeting of the Council. The giving of such a notice operates as a stay or suspension of Council's decision.

36. Unless reconsideration is moved at the next meeting the right of reconsideration shall be lost.

37. No discussion of the main question shall be allowed on the motion for reconsideration.

38. The following matters are not eligible for reconsideration:

    (1) a motion approving the first or second reading of a By-Law enactment, amendment or repeal;

    (2) a motion to decide upon a matter which was the subject of a statutory hearing by Council;

    (3) a motion which is or was considered by **[Committee of the Whole]** in substantially the same form in which it is being or will be considered by Council, irrespective of whether Council has adopted or rejected, or may adopt or reject, the recommendation of **[Committee of the Whole]**;

    (4) a matter which has been reconsidered once; and

    (5) a vote to reconsider.

Conduct of Meetings: Points of Order

39. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.

40. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.

41. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.

42. Decisions of the Chair on points of order or procedure, including an order expelling

and excluding a person from the Council Chambers pursuant to sections **[45 and 47]**, are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?"

43. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.

44. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair, or otherwise disrupts the proceedings of Council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.

45. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.

46. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.

47. Persons who are not Council Members or officers or employees of the [Municipality] shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair and, if they fail to comply, shall be ordered, by the Chair to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.

48. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers with or without conditions.

49. An order of the Chair to expel a person from the Council Chambers pursuant to

sections **[45 and 47]** of this Policy constitutes a direction from the **[Municipality]** to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.

50. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability, but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.

51. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

Decem I certify that this Policy was adopted by Council as indicated above. *1.1.12*

Clerk _____ Date _____

Council Meetings and Proceedings Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

23 (1) The council may make policies

(a) respecting the date, hour and place of the meetings of the council and the notice to be given for them;

(b) regulating its own proceedings and preserving order at meetings of the council;

19 (1) Notice of regular council meetings is not required.

(2) In addition to regular meetings, the council may hold such other meetings as may be necessary or expedient for the dispatch of business at such time and place as the council determines, if each council member is notified at least three days in advance.

(3) Where the mayor or warden determines that there is an emergency, the council may meet without notice or with such notice as is possible in the circumstances.

(4) The clerk shall call a meeting of the council when required to do so by the mayor or warden or upon presentation of a written request signed by a majority of the Council Members.

(5) When calling a meeting pursuant to subsection (4), the clerk shall give at least two days public notice of the meeting.

(6) Where the council fails to meet at any time determined by law, it is not dissolved, but may hold future meetings as if there had been no failure.

(7) A meeting of the council is not an illegal or invalid meeting by reason only of

(a) a failure to give notice; or

(b) meeting elsewhere than provided in the by-laws, a policy or a notice of meeting.

21 (1) Unless otherwise prescribed by statute, a question arising at a council meeting shall be decided by a majority of votes.

(2) Subject to the Municipal Conflict of Interest Act, all council members present, including the person presiding, shall vote on a question.

(3) Unless otherwise specified in a policy, a member of the council who fails or refuses to vote on a question before the council is deemed to have voted in the negative.

(4) In the event of a tie in a vote on a question, the question is determined in the negative.

(5) The person presiding at a meeting of the council may cause to be expelled and excluded any person, including a council member, who is disrupting the proceedings of the council.

See also s.15-16 re presiding officer; s. 20 re quorum; and s. 22 regarding openness of meetings.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- This Policy deals with Council's meeting schedule and notification requirements and procedural rules regarding the conduct of meetings. Several important aspects, such as the quorum, presiding officer, voting and openness of meetings are dealt with in the *Municipal Government Act* and are not repeated in the Policy. Those sections should be excerpted and provided with the Policy to Council Members to ensure they have a complete guide to the conduct of their meetings.

- A routine meeting schedule is customary and convenient and should be set out in s. 3.

- Under the model Policy, subject to statutory relaxations of notice requirements in s. 19 (3) and (5) of the *M.G.A.*, regular meetings can be rescheduled, relocated or supplemented with extra meetings under s.4 and 5 of the model Policy, without giving notice where the rescheduling was agreed upon at a previous meeting of Council or a Committee of the Whole at least 3 days in advance of the new meeting date, or when the Mayor or Warden believes that Council would support such a step due to unforeseen circumstances. Otherwise 3 days notice to Council Members and the public is required (effectively 4 business days of lead time is required to allow for the gap between sending and receiving notice): sections 6-9.

- The model Policy requires Council Members to maintain either an answering machine, a fax machine or an e-mail address or else to check their mailbox at the municipal office once per day, in order to facilitate giving notice of municipal business. It is suggested that it would be appropriate to estimate the annual cost of the least expensive of these electronic alternatives and to pay participating Council Members an additional allowance to cover this cost: an amendment to the municipal unit's Policy on Council Member remuneration and allowances pursuant to *M.G.A.* s.23(1)(d) will be required.

- The procedures in sections 1-9 can all be modified to suit the wishes of each Council.

- Section 10 allows for an annual meeting to be identified for those units that wish

to maintain that practice, which is currently common to the rural municipalities. An annual meeting is not required under current legislation, and this section may be omitted.

- Very detailed procedures for the conduct of meetings generally, including a *pro forma* agenda, are spelled out in sections 11 to 20 of the model Policy. These can and should be varied to suit the preferences of each particular Council, subject to any statutory constraints and principles of Parliamentary democracy designed to ensure that dissent may always be expressed. Some municipal units may want to consider setting a standard adjournment time or meeting length after which a meeting is adjourned except with unanimous consent.

- Consensus (unanimous) decision-making is explicitly recognized in the model Policy. The Chair should formally ask whether there is consensus, so that the Clerk can make an appropriate record in the minutes. If there is any dissent whatsoever, the issue must be dealt with by motion. Motions to adjourn, like any other motion, require a seconder, except when there the Chair asks for and obtains a consensus on the issue.

- Sections 21-38 provide model rules regarding making and voting upon motions and the hierarchy of motions in the Policy generally follows Parliamentary conventions. It is recommended that detailed rules be spelled out in the Policy to limit frustrating technical debate arising from attempting to apply a general text such as Roberts or Bourinot to the municipal setting. The rules in the model Policy can be modified, but care should be used when departing from conventional precepts because of the possibility of unanticipated consequences.

- Limits are placed on the length (10 minutes) and frequency (twice) with which a Council Member speaks on a motion: sections 18 and 20.

- Sections 35-38 allow for reconsideration of a question, which at least some Councils currently permit. By giving notice of intent to move reconsideration, a group of dissenting Council Members can suspend Council's decision. It is suggested that significant dissent should be required before implementation of the majority's decision be subject to delay by reconsideration. Additionally, reconsideration can create legal problems for matters that have gone through a statutory hearing process. The argument for reconsideration, is that it inhibits Council from making a hasty decision and minimizes the prospect of a minority unfairly seizing advantage of the absence of a Council Member from a particular meeting. If reconsideration is to be permitted at all, it is suggested that it only serves an appropriate role for matters that have not already been subject to a multiple step process. The limits on the availability of reconsideration in s.38 have been prepared with these considerations in mind.

- The procedure regarding a notice of intent to move for reconsideration should not

be confused with the unquestionable right of Council to change its mind. The distinguishing feature of the process in ss. 35-38 is that it permits a minority of Council to prevent immediate implementation of a decision until the matter has been debated a second time. Otherwise, it is always open to a Council Member to try to change Council's mind.

- Sections 39-50 of the model Policy provide a detailed structure for handling points of order and misconduct at meetings by a member of Council, including authorization to eject an unruly Council Member or member of the public. The model Policy provides for an appeal to Council of any ruling of the Chair on a point of order or procedure: s. 42.

- An order ejecting a Council Member or member of the public from the Council may be enforced by a peace officer under the *Protection of Property Act*.

- The Policy could specifically incorporate by reference in section 50 a particular text for the Chair to use in regards points of procedure, such as *Roberts* or *Bourinot*. However, the Policy is designed to provide as much guidance as a reasonably competent chair can readily assimilate and the identification of a particular Parliamentary procedure text can lead to sterile debates which are controlled by individuals who use the text as a means of destabilizing the authority of the Chair.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [2]
Policy on Committees of Council

General

1. This Policy is entitled "Policy on Committees of Council" and applies to committees in respect of which all of the voting members are Council Members.

2. Any power conferred by this Policy upon an employee of the **[Municipality]** to authorize expenditures shall be exercised in a manner consistent with the By-Laws and Policies of the **[Municipality]**.

3. Any power conferred by this Policy upon Council shall be exercised by resolution.

4. The following provisions shall apply to all Committees established by this Policy, except where the Policy specifically provides otherwise for any Committee:

    (1) Except to the extent that Committee membership is otherwise determined by By-Law or Policy, Committee membership shall be reviewed annually by Council within 3 months following each municipal general election or election anniversary, after seeking the advice of the Nominating Committee, and Council may replace Committee members who resign or who, in Council's opinion, are unable or unwilling to discharge their duties, or who fail to attend diligently to the Committee's affairs. The **[Mayor OR Warden]** shall be an *ex officio* member of any Committee to which the **[Mayor OR Warden]** is not appointed, with a voice but no vote.

    (2) The members of the Committee shall be reimbursed their reasonable expenses for attending Committee meetings, and mileage shall be paid at such rate as may be prescribed by Council as the Municipality's mileage reimbursement rate.

(3) Except to the extent that the Chair is otherwise determined by By-Law or Policy of Council, Council may appoint a person to serve as Chair of the Committee, after seeking the advice of the Nominating Committee, but if Council does not appoint a Chair, the Committee shall elect a Chair from one of its members. The Chair shall be entitled to speak and to vote on any motion. Subject to the other provisions of this Policy, the Chair shall have the powers and responsibilities at Committee meetings that are conferred upon the Chair at Council meetings pursuant to the Municipality's By-Laws or Policies, with any necessary modifications for context.

(4) Except to the extent that the Secretary is otherwise determined by By-Law or Policy of Council, **[the Chief Administrative Officer or his/her designate OR the Clerk or his/her designate OR Council]** may appoint an employee of the Municipality to serve as Secretary, with a voice but no vote. If **[the Chief Administrative Officer or his/her designate OR the Clerk or his/her designate OR Council]** does not appoint a secretary, the Committee shall elect a Secretary from one of its members, in which event the Secretary shall be a full voting member of the Committee. The Secretary shall keep minutes of the Committee meetings.

(5) The Committee shall meet at such time and place which it sets at a preceding meeting or at such other time and place as Council, the Committee's Secretary, the Committee's Chair or a quorum of Committee members may set by providing notice of meeting to all Committee members at least 3 days in advance. The date, time and location of Committee meetings shall be posted by the Secretary at **[insert prominent location used for posting notices]**.

(6) Subject to any resolution of Council, the resources which may be utilized by the Committee include:

(a) advice and support of **[the Chief Administrative Officer OR the Clerk]** or his or her designate;

(b) use of the **[Municipality's]** facilities and supplies for meetings, photocopying, postage and other administrative needs, through **[the Chief Administrative Officer OR the Clerk]**;

(c) use of external services reasonably necessary to discharge the Committee's mandate, through **[the Chief Administrative Officer OR the Clerk]**; and

(d) such other resources as may reasonably be required, through **[the Chief Administrative Officer OR the Clerk].**

(7) All meetings minutes, and records of the Committee shall be open to the public except as expressly authorized by law.

(8) A quorum of the Committee shall be the same as that which applies to Council pursuant to provincial legislation, with any necessary changes for context.

(9) Subject to the other provisions of this Policy, the rules of procedure, conduct and debate that apply at Council meetings pursuant to the **[Municipality's]** By-Laws or Policies, apply at Committee meetings with any necessary modifications for context, **[except that no notices of reconsideration shall be permitted at Committee meetings]**.

(10) Committee members may prepare and submit a minority report or recommendation to Council if they do not concur in a report or recommendation of the majority.

(11) In the event the Committee fails to provide a report or recommendation to Council within any deadline set by Council, Council may proceed with a decision regarding a matter within the Committee's mandate without awaiting the Committee report or recommendation.

Provisions Regarding the [Committee of the Whole]

5. Council hereby establishes **[or confirms the establishment of]** the **[Committee of**

the Whole] as a standing committee of Council.

6. The mandate of the **[Committee of the Whole]** is:

   (1) to discuss, consider, advise and make recommendations to Council concerning the affairs of the **[Municipality]** that may come before Council, in advance of Council making decisions or taking action on such matters, except where Council determines that consideration by the Committee is unnecessary or inadvisable, and except that the following matters shall normally be dealt with by Council without having to be forwarded to the **[Committee of the Whole]** for its recommendations:

      (a) correspondence;

      (b) reports and recommendations from other committees of Council;

      (c) planning matters;

      (d) first or second reading of By-Law enactments, amendments or repeals; and

      (e) matters which are the subject of a statutory hearing by Council.

   (2) to take action on such matters as are lawfully delegated to it by the [Municipality's] By-Laws and Policies, or by Council resolution including, but not restricted to **[insert any specific delegation of authority intended by Council, e.g. hearing appeals from the exercise of licensing and permitting powers by staff, undertaking hearings and making decisions pursuant to unsightly or dangerous premises, receiving submissions or presentations from members of the public]**;

   (3) to take such other steps not inconsistent with this Policy that the Committee reasonably deems necessary to carry out its mandate.

7. The Chair of the Committee is **[the Warden OR Mayor]**, and the Secretary is the **[Municipality's] Clerk.]**

8. Subsections **[(1), (5) and (8)]** of section **[4]** of this Policy do not apply to the **[Committee of the Whole]**.

9. The **[Committee of the Whole]** consists of all Council Members, and membership on the Committee automatically extends to Council Members, without the necessity of formal appointment by Council, and automatically terminates upon the termination of a person's status as Council Member.

10. Unless otherwise specified pursuant to section **[11]**, regular meetings of **[Committee of the Whole]** shall be held

    (4) at **[name and location or address of meeting place]**;

    (5) on the **[e.g. the second Thursday of every month]** except that there shall be no regular meeting **[e.g. during the months of July and December]**;

    (6) commencing at **[time of meeting]**.

11. Regular meetings of **[Committee of the Whole]** may be rescheduled, relocated or cancelled, and additional or special meetings convened, in the same manner and with the same notice to Council Members and the public as applies to meetings of Council, with any necessary changes for the context.

Provisions Regarding the [Nominating Committee]

12. Council hereby establishes **[or confirms the establishment of]** the **[Nominating Committee]** as a standing committee of Council.

13. At the first meeting of Council following a municipal general election, Council shall appoint the **[Mayor or Warden]** and **[insert number]** additional Council Members to serve as members of the Nominating Committee and the membership of the Committee may be reviewed by Council at any time, but, except to the extent of any changes made by Council or by resignation, membership shall continue until the next municipal general election.

14. The mandate of the **[Nominating Committee]** is:

    (1) to discuss, consider, advise and make recommendations to Council concerning the nomination of persons to various committees, boards and commissions to which Council appoints or may appoint members, in advance of Council making decisions or taking action on such matters, except where Council determines that consideration by the Committee is unnecessary or inadvisable;

15. Council may, by resolution, accept, reject or vary a report of the Nominating Committee in whole or in part.

Provisions Regarding the [Executive Committee]

16. Council hereby establishes **[or confirms the establishment of]** the Executive Committee as a standing committee of Council.

17. The Chair of the Committee is **[the Warden OR the Mayor]**.

18. The Executive Committee shall be consist of **[the Warden OR the Mayor], [the Deputy Warden OR Deputy Mayor]** and one other Council Member appointed by Council.

19. The mandate of the Executive Committee is:

    (3) to review and set the Agenda for **[Council OR Committee of the Whole]**, which setting of the Agenda shall not preclude a Council Member from raising other business at any regular meeting;

    (4) to conduct the annual performance appraisal of the Chief Administrative Officer in accordance with the Municipality's Personnel Policies;

    (5) to authorize disciplinary action against the Chief Administrative Officer and report same to Council at its next meeting;

    (6) to give advice to **[the Chief Administrative Officer OR the Clerk]** on

matters in which political advice is sought in regards the likelihood of Council support for alternative possible courses of action, including, but not limited to, advice in regards contract or other negotiations with third parties, which advice shall not bind Council;

(7) to act as Council's representative in negotiations or meetings, at the request of **[the Chief Administrative Officer OR the Clerk]**;

(8) such other duties as are lawfully assigned to the Committee by the **[Municipality's]** By-Laws and Policies, or by Council resolution.

Provisions Regarding the [Audit Committee]

20. Council hereby establishes **[or confirms the establishment of]** the Audit Committee as a standing committee of Council.

21. The Audit Committee consists of **[the Warden OR the Mayor]** and **[insert number]** additional Council Members appointed by Council.

22. The mandate of the Audit Committee is as specified by legislation.

Provisions Regarding [Committee Name]

23. Council hereby establishes **[or confirms the establishment of]** the **[Committee Name]** as **[a standing committee OR an *ad hoc* committee]**.

24. The mandate of the **[Committee Name]** is:

(4) to gather information **[insert any particular information gathering steps required]**;

(5) to carry out public consultation **[insert any particular consultative steps required]**;

(6) to take such other steps consistent with this Policy that the Committee reasonably deems necessary to carry out its mandate;

(7) to advise and make recommendations to Council **[periodically OR annually OR before [insert date]]** concerning **[insert precise description of the mandate] [and concerning such other *ad hoc* matters as Council, by resolution, may direct]**; and

(8) to take action on such matters as are lawfully delegated to it by statute or by Council including, but not restricted to **[insert any specific delegation of authority intended by Council when creating the Committee].**

25. The **[Committee** Name**]** shall be composed of **[insert number or allowable range of numbers]** Council Members appointed by Council **[after obtaining the recommendations of the Nominating Committee].**

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Policy on Committees of Council
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

23 **(1)** The council may make policies

...

(c) providing for committees and conferring powers and duties upon them, except the power to expend funds;

24 **(1)** The council may establish standing, special and advisory committees.

(2) Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the municipality.

(3) The council may appoint persons who are not members of the council to a committee and may establish a procedure for doing so.

(4) A committee shall operate in accordance with the procedures provided in this Act and the procedural policy for the council applies to committees unless the council, by policy, decides otherwise.

(5) A member of a committee established by the council who is a council member is not entitled to additional remuneration for serving on the committee but may be reimbursed for expenses incurred as a committee member.

(6) A committee member who is not a council member may be

(a) paid an annual honorarium for serving on the committee, as determined by the council by policy, and an honorarium may be a different amount if the person is chair of a committee and honorariums may differ for different committees; and
(b) reimbursed for expenses incurred as a committee member.

(7) Where a council member is appointed to a committee, board or commission as a representative of the council, the council members appointment ceases if and when person ceases to be a council member.

44 **(1)** The council shall annually appoint an audit committee.

(2) The responsibilities of the audit committee include

(a) a detailed review of the financial statements of the municipality with the auditor;

(b) an evaluation of internal control systems and any management letter with the auditor;

(c) a review of the conduct and adequacy of the audit;

(d) such matters arising out of the audit as may appear to the audit committee to require investigation;
(e) such other matters as may be determined by the council to be the duties of an audit committee;

(f) any other matters as may be determined by the council.

See also s. 22, and s. 24(3) to (7)

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- The model Policy can be used for the creation of committees consisting of Council Members. Each such committee should be specifically created in the Policy, by completing the equivalent of sections 23-25 of the model Policy. Council may not need the amount of detail contained in the mandate provisions for each committee.

- The Policy has been drafted on the assumption that except for advisory and community committees, which are dealt with under Chapters 3 and 4 of the model Policies, committees with action powers should be comprised of persons accountable to the municipal electorate.

- The Committee may be struck as an *Ad Hoc* (temporary) committee or as a standing (permanent) committee (Section 23).

- The general procedures and structure outlined in sections 1-4 will apply to all committees created in the Policy, except where specific exemption is made. The sample wordings for specific committees provide examples of variations from the generally applicable structure and procedure.

- The procedures in sections 1-4 can be modified to suit the wishes of each Council.

- The model Policy contains provisions for several illustrative committees, a Committee of the Whole, a Nominating Committee, an Executive Committee and an Audit Committee.

- The Committee of the Whole and Executive Committee provisions assume that Council submits most of its substantive business to the Committee of the Whole. It is important that Council consider carefully what items it does not wish to have twice considered by this process and the list in s. 6(1) should be amended accordingly.

- The Executive's primary role is to set the Agenda for Committee of the Whole meetings and to give non-binding political advice to staff during negotiation processes.

- The Audit Committee is a statutorily-mandated committee under the *M.G.A.*, section 44, and it is not necessary to define its mandate in the Policy.

- For any Committees, Council may or may not create an automatic position for the Warden/Mayor or the Deputy Warden/Deputy Mayor.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [3]
Citizen Advisory Committees Policy

26. This Policy is entitled "Citizen Advisory Committees Policy" and applies to Advisory Committees which include members who are not Council Members.

27. Any power conferred by this Policy upon an employee of the **[Municipality]** to authorize expenditures shall be exercised in a manner consistent with the By-Laws and Policies of the **[Municipality]**.

28. Any power conferred by this Policy upon Council shall be exercised by resolution.

29. The following provisions shall apply to all Committees established by this Policy, except where the Policy specifically provides otherwise for any Committee:

    (12) The provisions of Section [4] of the Policy on Committees of Council shall apply except to the extent otherwise specified in this Policy.

    (13) **[The (non-Council Members) citizen representatives on the Committee shall be paid an honorarium of $[insert number] per year, and a non-Council Member Chair shall be paid an additional honorarium of $[insert number]]**.

    (14) The Committee shall meet at such time and place which it sets at a preceding meeting or at such other time and place as the Secretary, the Chair or a quorum of Committee members may set by mailing a notice of meeting to all Committee members at least 7 days in advance. The date, time and location of Committee meetings shall be posted by the Secretary at **[insert prominent location used for posting notices]**.

    (15) The Committee shall not utilize external services or otherwise commit the **[Municipality]** to money expenditures except by requesting funds from

Council. Nothing in this paragraph limits Council's authority to grant or refuse a request by the Committee.

Provisions Regarding [Committee Name]

30. Council hereby establishes **[or confirms the establishment of]** the **[Committee Name]** as **[a standing committee OR an *ad hoc* committee]**.

31. The mandate of the **[Committee Name]** is:

    (1) to gather information **[insert any particular information gathering steps required]**;

    (2) to carry out public consultation **[insert any particular consultative steps required]**;

    (3) to take such other steps consistent with this Policy that the Committee reasonably deems necessary to carry out its mandate;

    (4) to advise and make recommendations to Council **[periodically OR annually OR before [insert date]]** concerning **[insert precise description of the mandate] [and concerning such other *ad hoc* matters as Council, by resolution, may direct]**.

32. The **[Committee Name]** shall be composed of **[insert number or allowable range of numbers]** citizens **[insert any special restrictions on composition] [and [insert number or allowable range of numbers] Council Members]** appointed by Council **[after advertisement for interested volunteers, and after obtaining the recommendations of the Nominating Committee OR of the Chief Administrative Officer OR of the Mayor/Warden]**.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Citizen Advisory Committees Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

> 26 The council may establish, by policy, citizen advisory committees which shall advise the council, as directed by the council.

See also s. 22 and 24-25 regarding various matters pertaining to committees generally.

See also s. 200-203 regarding Planning Advisory Committees.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- The model Policy can be used for the creation of citizen advisory committees, the most common form of which are currently Planning Advisory Committees. Each such committee should be specifically created in the Policy, by completing the equivalent of sections 5-7 of the model Policy. Council may not need the amount of detail contained in those provisions for each committee.

- The Committee may be struck as an *Ad Hoc* (temporary) committee or as a standing (permanent) committee (Section 6).

- The mandate in s.6 of the Policy for a Planning Advisory Committee should contain language from s 200(4) of the *M.G.A.* indicating the mandate includes advising respecting the preparation or amendment of planning documents (Municipal Planning Strategies, Land Use By-Laws, and Subdivision By-Laws), and respecting planning matters generally. The Act also provides for Area Planning Advisory Committees and Joint Planning Advisory Committees (with

another municipal unit).

- For other types of advisory committee it is suggested that the mandate be clearly worded to indicate whether Council is seeking advice on a narrow and specific question or on broad policy questions.

- Most municipalities conduct some form of public recruitment for citizen representatives on advisory committees, and there is an option in s.8 of the model Policy for an advertisement and staff/political review process of the candidates before Council appoints.

- Essentially, the provisions for regular committees of Council are made applicable with modifications to recognize that Advisory committees contain unelected citizen members.

- The general procedures and structure outlined in sections 1-4 will apply to all committees created in the Policy, except where specific exemption is made. Consideration should be given by Council, for example, as to whether the same honorarium (if any) is to be provided to citizen representatives for different advisory committees, recognizing that some may have more demanding burdens than others.

- The procedures in sections 1-4 can be modified to suit the wishes of each Council.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [4]
Community Committees Policy

33. This Policy is entitled "Community Committees Policy" and applies to the committees expressly established in this Policy.

34. Any power conferred by this Policy upon an employee of the **[Municipality]** to authorize expenditures shall be exercised in a manner consistent with the By-Laws and Policies of the **[Municipality]**.

35. Any power conferred by this Policy upon Council shall be exercised by resolution.

36. The following provisions shall apply to all Committees established by this Policy, except where the Policy specifically provides otherwise for any Committee:

    (16) The provisions of Section [4] of the Policy on Committees of Council shall apply except to the extent otherwise specified in this Policy.

    (17) **[The (non-Council Member) citizen representatives on the Committee shall be paid an honorarium of $[insert number] per year, and a non-Council Member Chair shall be paid an additional honorarium of $[insert number]]**.

    (18) The Committee shall meet at such time and place which it sets at a preceding meeting or at such other time and place as the Secretary, the Chair or a quorum of Committee members may set by mailing a notice of meeting to all Committee members at least 7 days in advance. The date, time and location of Committee meetings shall be posted by the Secretary at **[insert prominent location used for posting notices]**.

    (19) The Committee shall not utilize external services or otherwise commit the **[Municipality]** to money expenditures except by requesting funds from

Council. Nothing in this paragraph limits Council's authority to grant or refuse a request by the Committee.

Provisions Regarding [Committee Name]

37. Council hereby establishes the **[Committee Name]** as a standing committee with a geographic area of responsibility as follows: **[insert accurate description of the boundaries of the area and referencing a map if necessary]**

38. The mandate of the **[Committee Name]** is:

(5) to monitor the provision of services to the area for which the committee is responsible;

(6) to carry out public consultation as it deems necessary, including appointment of advisory subcommittees;

(7) to take such other steps consistent with this Policy that the Committee reasonably deems necessary to carry out its mandate or which Council directs to be taken;

(8) to recommend the appropriate level of services, areas where additional services are required and ways to improve the provision of services;

(9) to make recommendations to Council respecting any matter intended to improve conditions in the area for which the Committee is responsible including, but not limited to, recommendations respecting

(a) inadequacies in existing services provided to the area and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised,

(b) by-laws or regulations, including those regarding planning, that are required, and

(c) the adoption of policies that would allow the people of the area to participate more effectively in the governance of the area.

(10)to advise and recommend on such other matters as Council, by resolution, may direct.

39. The **[Committee Name]** shall be composed of **[insert number or allowable range of numbers]** citizens **[insert any special restrictions on composition] [and [insert number or allowable range of numbers] Council Members]** appointed by Council **[after advertisement for interested volunteers, and after obtaining the recommendations of the Nominating Committee OR of the Chief Administrative Officer OR of the Mayor/Warden].**

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Community Committees Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

27 (1) The council may establish, by policy, a community committee for an area.

(2) A policy establishing a community committee shall

(a) define the boundaries of the area for which the committee is responsible and set out the duties of the committee; and

(b) include such other matters as the council deems advisable.

(3) The powers and duties of a community committee may include

(a) monitoring the provision of services to the area for which the committee is responsible and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;

(b) the establishment of one or more advisory subcommittees;

(c) making recommendations to the council respecting any matter intended to improve conditions in the area for which the committee is responsible including, but not limited to, recommendations respecting

(i) inadequacies in existing services provided to the area and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised,

(ii) by-laws or regulations, including those regarding planning, that are required, and

(iii) the adoption of policies that would allow the people of the area to participate more effectively in the governance of the area.

See also s. 22 and 24-25 regarding various matters pertaining to committees generally.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this

Manual.

Comment

- The model Policy can be used for the creation of community committees which have a specific geographic jurisdiction. Each such committee should be specifically created in the Policy, by completing the equivalent of sections 5-7 of the model Policy. Council may not need the amount of detail contained in those provisions for each committee, but the mandate should probably follow the wording in s. 27 of the *M.G.A.* to maximize the opportunity for the committees to provide an effective voice for their area.

- Where the Municipality has a CAO, the resources available to the Committee (s.7 of the model Policy) should normally be controlled through the CAO or his/her designate. Otherwise, Council or a specifically identified staff person should be in charge of authorizing resources.

- Most municipalities conduct some form of public recruitment for citizen representatives on committees, and there is an option in s.8 of the model Policy for an advertisement and staff/political review process of the candidates before Council appoints.

- Essentially, the provisions for regular committees of Council are made applicable with modifications to recognize that Community committees contain unelected citizen members.

- The general procedures and structure outlined in sections 1-4 will apply to all committees created in the Policy, except where specific exemption is made. Consideration should be given by Council, for example, as to whether the same honorarium (if any) is to be provided to citizen representatives for different advisory committees, recognizing that some may have more demanding burdens than others.

- The procedures in sections 1-4 can be modified to suit the wishes of each Council.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [5]
Expenditures Policy

40. This Policy is entitled the "Expenditures Policy".

41. In this Policy,

(1) "budgeted expenditure" means an expenditure which, when taken together with other expenditures made in, or committed for, the fiscal year to date that are in the same specific budget category, does not exceed the amount currently budgeted by resolution of Council, provided however that an expenditure shall not be considered to be a budgeted expenditure solely because of the existence of a general contingency category to meet unbudgeted expenses;

(2) "**[CAO]**" means the **[municipality]**'s **[Chief Administrative Officer]**;

(3) "funds-over-budget resolution" means a resolution authorizing resources from unbudgeted revenues or underutilized budget expenditure categories to be used for other budget expenditure categories;

(4) "immediate expenditure condition" means a condition that was not foreseen at a preceding Council meeting and which, in the **[CAO]**'s reasonable judgement, requires a decision to be made

(a) before the next scheduled Council meeting, in the case of expenditures aggregating $**[insert amount]** or less; and

(b) before an emergency meeting of Council can practically be convened, in other cases;

42. In making expenditures or incurring liability to make expenditures, the **[CAO]** and any employee of the **[municipality]** to whom the **[CAO]** delegates authority to make

expenditures shall comply with all applicable By-laws, Policies or resolutions of Council, and with any other restriction imposed by law. For example, in making expenditures, the **[CAO]** shall comply with any Policy, resolution or Provincial statute requiring a public tendering process for the purchase of certain goods and services.

43. In the absence of an express direction by Council to the contrary in regards a specific possible expenditure, and subject to the other provisions in this Policy, the **[CAO]** may make or may authorize an employee of the **[municipality]** to make expenditures:

    (1) which are budgeted expenditures;

    (2) which have been specifically authorized by resolution of Council;

    (3) which are necessary to carry out a contract which has been authorized by resolution of Council, including, but not limited, to a contract for the loan of money;

    (4) to discharge a specific statutory obligation of the **[municipality]**, such as, but not limited to, payments to a School Board mandated by the *Education Act*;

    (5) to transfer tax revenues rated and collected for a special purpose body, such as, but not limited to, a fire brigade;

    (6) to comply with a Court Order or other valid and subsisting legal obligation;

    (7) which are within the parameters of resolution of Council authorizing the use of budget authority to be transferred from one budget category to another;

    (8) to respond to an immediate expenditure condition;

    (9) which are within a temporary spending authority conferred by Council resolution; or

    (10) which are authorized by a funds-over-budget resolution of Council.

44. The **[CAO]** shall not delegate to any other employee of the **[municipality]** the authority to make expenditures in excess of $**[insert maximum amount that may be delegated to Department Heads]**, and authority to make expenditures in excess of $**[insert maximum amount that can be delegated beneath the level of Department Heads]** shall only be delegated to one or more of **[insert titles of Department Heads].**

45. For purposes of sections **[2 to 5]** of this Policy, the amount of an expenditure which is made in installments or other periodic payments is deemed to be the aggregate of the installments or periodic payments.

46. The following expenditures of the **[municipality]** may be paid by

    (1) automatic bank debit: **[insert list of expenditures payable by debit and any applicable dollar limits]**;

    (2) credit card: **[insert list of expenditures payable by credit card and any applicable limits]**.

47. Expenditures to persons owing money to the **[municipality]** may be made by set-off.

48. All other expenditures in excess of $**[insert maximum amount payable by cash]** shall be made by cheque. Cheques in excess of $**[insert amount]** shall be signed by two persons, one of whom is either the **[Mayor OR Warden]**, the **[Deputy-Mayor OR Deputy-Warden]**, or **[a Committee Chair OR a Council Member designated by resolution as a signing officer]**, and the other of whom is either the **[CAO]**, or **[insert other possible employee signing officers, such as Director of Corporate Services, Treasurer etc.]**.

49. When being presented with cheques to sign, a signing officer shall also be presented with purchase orders or expenditure approvals initialed or signed by the **[CAO]** or other person authorized under this Policy to make the expenditure, and may request other information necessary to determining whether the expenditure is being paid in compliance with this Policy.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Expenditures Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

29 Where the Council does not appoint a chief administrative officer, the council

(a) shall fulfil the responsibilities, and may exercise the powers, given to the chief administrative officer by this Act; and

(b) may delegate any of the responsibilities and powers of the chief administrative officer to an employee of the municipality.

31 (1) The chief administrative officer shall

...

(c) be responsible for the administration of the budget after adoption;

...

(2) The chief administrative officer may

...

(d) subject to policies adopted by the council

(i) make or authorize expenditures, and enter into contracts on behalf of the municipality, for anything required for the municipality where the amount of the expenditure is budgeted or within the amount determined by the council by policy, and may delegate this authority to employees of the municipality,

.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual. Municipal units should consult their auditors regarding the Expenditures Policy, as the appropriate policy may vary considerably from one unit to the next.

Comment

- The Expenditure Policy may be used, with appropriate modifications, where there is no Chief Administrative Officer ("CAO"). However this model Policy and these annotations contemplate a CAO.

- A CAO is given broad authority in the Act. Several sections evidence a legislative intent of having Council exercise governance and policy functions, but allowing the CAO (presumably supported by other managerial staff) to manage the affairs of the municipality without undue interference by Council. CAO authority and powers which cannot be limited by Policy of Council are found generally in sections 28 to 32 of the *MGA*, as well as in sections dealing with particular subject areas. This Policy only deals with the powers in s. 31(2)(d)(i), which relate to expenditures and which can be varied by Policy.

- This Policy is a useful place in which to insert requirements for internal controls such as may be recommended by the Auditor and Audit Committee.

- For other optional CAO powers see Chapter 6 of the model policies, the Chief Administrative Officer Policy.

- For obvious practical reasons, the CAO's power to make expenditures (s. 4 of the model Policy) cannot be removed entirely. At the least, the expenditure power of the CAO should be broad enough to ensure that the CAO can carry out specifically budgeted expenditures (excluding spending a budgeted general contingency fund). The model Policy requires the CAO to follow any applicable procurement/tendering or other policies which have been approved by Council (s.3).

- Council will normally want to retain authority for discretionay expenditures in excess of budget. However, for particular non-discretionary expenses listed in s.4, the model Policy allows the CAO to make expenditures over budget, except where Council has given a specific direction to the contrary. The model Policy allows the CAO to make emergency spending decisions, but this should be reviewed carefully with Council: see the definition of "immediate expenditure condition", and the options built into the definition.

- The Policy provides in s.4(7) for the CAO to make use of any authorization from Council to transfer budget from one expense category to another. It is important to appreciate that an expenditure is otherwise only "within budget" if it is within the budget envelope for the specific expense category for that expense. The more detailed the budget expense categories, the more likely it is that the CAO will need some authority to transfer budget. The precise parameters for a standing

policy (which could be incorporated directly within s.4(7) of this Policy) may best be developed with assistance from the municipality's auditor. It is suggested that the scope of s. 4(7) be carefully limited, otherwise Council delegates functions which are at the heart of its governance mandate.

- The attached model Policy contemplates that for cheques in excess of a certain amount, an elected official will be a necessary signing officer. Although this may be viewed as prudent business practice, it is somewhat inconsistent with the philosophy of the Council-CAO system. This aspect of the Policy could be readily changed by referring in section 9 to a single group of signing officers, any 2 of whom may sign cheques.

- Section 10 is designed to enhance the ability of cheque signing officers to do their task in a meaningful way.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [6]
Chief Administrative Officer Policy

1. This Policy is entitled "Chief Administrative Officer Policy".

2. In this Policy, "CAO" means the **[Municipality]**'s Chief Administrative Officer.

3. Nothing in this Policy is intended to affect:

   (1) the authority, powers, rights, duties and responsibilities conferred upon the CAO by statute; or

   (2) limitations on the authority, powers, rights, duties and responsibilities of the CAO stipulated by statute;

   except to the extent that the statute permits variation by policy.

4. Subject to any limitations arising from other Council policies or guidelines, including but not restricted to the Expenditures Policy, the CAO may

   (1) sell personal property belonging to the **[Municipality]** that, in the opinion of the CAO, is obsolete, unsuitable for use, surplus to requirements of, or no longer needed by, the **[Municipality]**, and may delegate this authority to employees of the **[Municipality]**,

   (2) personally, or by an agent, negotiate and execute leases of real property owned by the [Municipality] that are for a term not exceeding one year, including renewals,

   (3) establish departments of the municipal administration of the **[Municipality]**,

   (4) adopt a system of classification of positions of municipal officers and employees and specify offices that may not be filled by the same person,

(5) determine the salaries, wages and emoluments to be paid to municipal officers and employees, *including payment pursuant to a* classification system,

(6) where not otherwise provided for, fix the amount in which security is to be given by municipal officers and employees, the form of security, the manner in which security is to be given and approved and the nature of the security to be given;

(7) authorize, in the name of the **[Municipality]**, the commencement or defence of any legal proceeding, and shall report the commencement or defence of the legal proceeding to Council at the next meeting and, except where otherwise prohibited by law, may delegate this power for each of the following classes of proceedings to the respective designated Municipal employee:

Type of Proceeding	**Designated Municipal Employee**
Prosecutions for breach of Animal Control or Dog Control By-Law	Clerk
Prosecutions for breach of Land Use By-Law, or Building Code Act Infractions	Director of Development and Planning
Collections Proceedings	Director of Finance

(8) may settle any legal proceeding which is brought pursuant to legislation conferring authority on the [Municipality] as a statutory or regulatory authority to take enforcement proceedings, and may settle any other proceeding except where the settlement involves a cash payment by, or an expense to, the **[Municipality]** in excess of $**[insert amount]**.

5. **[Council consents to the CAO serving as, and performing the duties of [insert**

Clerk, Treasurer, Engineer, or Administrator of Dangerous or Unsightly Premises as applicable and, to the extent otherwise permitted by law, may sub-delegate such duties to other employees].]

6. The CAO may from time to time appoint another employee to act in place of the CAO during the CAO's absence or inability to act. The Acting CAO shall have and shall exercise all the authority, powers, rights, duties and responsibilities of the CAO when the CAO is absent or unable to act, or when the position of CAO is vacant. When the position of CAO is vacant, or when the CAO is absent or unable to act and has not appointed a deputy to serve as Acting CAO, **[insert position to serve as Acting CAO]** shall be the Acting CAO until and unless Council by resolution appoints another.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Chief Administrative Officer Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

31 (2) The chief administrative officer may

...

(d) subject to policies adopted by the council

(i) make or authorize expenditures, and enter into contracts on behalf of the municipality, for anything required for the municipality where the amount of the expenditure is budgeted or within the amount determined by the council by policy, and may delegate this authority to employees of the municipality,

(ii) sell personal property belonging to the municipality that, in the opinion of the chief administrative officer, is obsolete, unsuitable for use, surplus to requirements of, or no longer needed by, the municipality, and may delegate this authority to employees of the municipality,

(iii) personally, or by an agent, negotiate and execute leases of real property owned by the municipality that are for a term not exceeding one year, including renewals,

(iv) establish departments of the municipal administration,

(v) adopt a system of classification of positions of municipal officers and employees and specify offices that may not be filled by the same person,

(vi) determine the salaries, wages and emoluments to be paid to municipal officers and employees, including payment pursuant to a classification system,

(vii) where not otherwise provided for, fix the amount in which security is to be given by municipal officers and employees, the form of security, the manner in which security is to be given and approved and the nature of the security to be given;

(e) authorize, in the name of the municipality, the commencement or defence of a legal action or proceedings before a court, board or tribunal, including reporting the commencement of the legal action, defence or proceeding to the

council at the next meeting and may, if the council so provides by policy, delegate this authority to employees of the municipality;

(f) where the council so provides by policy, settle a legal action or proceeding in accordance with the policy.

...

(4) Notwithstanding subsections 33(1), 37(1), 39(1) and Section 41, the chief administrative officer may, with the consent of council, perform the duties of the clerk, treasurer, engineer and administrator, or any of them, pursuant to this Act.

(5) The chief administrative officer may from time to time appoint an employee of the municipality to act in the place of the chief administrative officer when the chief administrative officer is absent or unable to act.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- See Information Bulletin #29 at Tab 2 of the N.S.D.H.M.A. Municipal Government Act Resource Guide.

- A Chief Administrative Officer ("CAO") is given broad authority in the Act. Several sections evidence a legislative intent of having Council exercise governance and policy functions, but allowing the CAO (presumably supported by other managerial staff) to manage the affairs of the municipality without undue interference by Council. CAO authority and powers which cannot be limited by Policy of Council are found generally in sections 28 to 32 of the *MGA*, as well as in sections dealing with particular subject areas. This Policy primarily deals with the powers in s. 31(2)(d)-(f), which can be varied by Policy. It is preferable to specify in the Policy all of the powers from s. 31(2)(d)-(f) that the CAO is intended to be given, although an argument can be made from the wording of this section of the *MGA* that in the absence of a limiting Policy, the CAO has all of those powers in any event.

- The model Policy lists all of the enumerated possible additional CAO powers in those sections of the *MGA*, except the powers referenced in s.31(2)(d)(i), which concerns expenditures, and which is dealt with in the model Expenditures Policy, Chapter 5. Council should determine whether it wishes to delete any of the powers

identified in s. 4 of the Model Policy.

- The model Policy makes the additional CAO powers subject to any limitations arising from the Expenditures Policy. For example, the CAO might have the authority to develop pay scales under a classification system, but if the consequence is to create unauthorized expenditures over budget, the CAO would need Council approval.

- The *Municipal Government Act* gives the CAO authority to direct the initiation or defence of legal proceedings. If Council wishes, it can remove authorization for the CAO to delegate this power for particular subject areas to other staff, by deleting all text (including the Table) after the words "next meeting" in s. 4(7). If delegation is provided for in the Policy, a Table should be created similar to that shown for illustrative purposes, identifying specific types of proceedings that can be commenced by specific staff positions. Before any proceeding is commenced, legislation should be carefully reviewed to ensure that there is no particular impediment to the delegation of authority to commence proceedings: for example, s.266(2)(a) of the *M.G.A.* does not allow further delegation, beyond the CAO, of commencement of certain remedial planning proceedings.

- The model Policy allows the CAO to settle all proceedings except those in excess of a prescribed amount. This power can be varied in the Policy to be either less restrictive or more restrictive, but no further delegation of settlement authority is permitted. Where the CAO is not given authority to settle legal disputes, proceedings may be settled only upon the direction of Council (which will normally be given *in camera*).

- The Policy contains a paragraph allowing the CAO to concurrently serve in any of the identified statutory positions. This is entirely optional.

- The Policy provides for back-up designation of an Acting CAO by Council to ensure there is no "gap" in coverage which might temporarily paralyze municipal business. This provision is likewise entirely optional

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [7]
Fees Policy

50. This Policy is entitled "Fees Policy".

51. This Policy applies except to the extent of any conflict with applicable provincial legislation, and, where the fee amounts in this Policy differ from those set out in a By-Law, Recorded Resolution, Policy or Resolution of the **[Municipality]** in effect on the effective date of this Policy, the fee amounts set out in this Policy shall amend those previously in effect.

52. The fees to be paid to the **[Municipality]** for each of the following licences, inspections, permits, applications, approvals, animal impoundments, or services are set in, or amended to, the respective amounts shown in the following tables:

Fees in Relation to Planning, Subdivision, Development, Building, and Tax Certification

Description of Licence, Inspection, Permit, Application, Approval, or Service	**Fee**
Application Fee for a Land Use By-Law Amendment, pursuant to the **[Municipality's]** Land Use By-Law and the *Municipal Government Act*	$**[amount]** per application plus cost of advertising **[and cost of posting a sign and notifying affected land-owners if required by L.U.B.]**, with $**[amount]** per application payable in advance as a deposit on such costs

Application Fee for a Development Agreement or amendment to a Development Agreement, pursuant to the **[Municipality's]** Land Use By-Law and the *Municipal Government Act*	$**[amount]** per Development Agreement application and $**[amount]** per application to amend, plus cost of advertising **[and cost of posting a sign and notifying affected land-owners if required by L.U.B.]**, with $**[amount]** per application payable in advance as a deposit on such costs
Application Fee for a Development Permit, pursuant to the **[Municipality's]** Land Use By-Law	$**[amount]** per application
Application Fee for Site Plan Approval, pursuant to the **[Municipality's]** Land Use By-Law and the *Municipal Government Act*	$**[amount]** per application **[plus cost of posting a sign and notifying affected land-owners if required by L.U.B.]**, with $**[amount]** per application payable in advance as a deposit on such costs
Application Fee for Variance, pursuant to the **[Municipality's]** Land Use By-Law and the *Municipal Government Act*	$**[amount]** per application **[plus cost of posting a sign and notifying affected land-owners if required by L.U.B.]**, with $**[amount]** per application payable in advance as a deposit on such costs
Application Fee for Subdivision Approval,	$**[amount equal to or greater**

including additions, consolidations and repeals pursuant to the **[Municipality's]** Subdivision By-Law and the *Municipal Government Act*	**than $50]** per application, plus cost of registration of the plans, deed(s) **[and/or instrument(s) of subdivision]** payable in advance
Building Permit Application and Inspection Fees of all sorts, and at all stages of construction or readiness for occupancy for new construction, additions, renovations, and demolitions, occupancy pursuant to the **[Municipality's]** Building By-Law and the *Building Code Act*	As set out in Schedule "A" to this Policy
Copying of Documents for Public Hearings under Part VIII of the Planning Act, pursuant to the *Municipal Government Act*	$**[amount]** per page for copies of documents 8.5" by 14" or smaller, and $**[amount]** per page for copies of plans or other larger documents
Mobile Home Parks Permit, pursuant to the **[Municipality's]** Mobile Home Park By-Law	$**[amount]** per permit
Tax Certificates, pursuant to the *Municipal Government Act*	$**[amount]** per Certificate
Zoning Confirmation Letters pursuant to s. 79 of the *Municipal Government Act*	$**[amount]** per Letter

Fees in Relation to Particular Businesses or Business Activities

Description of Licence, Inspection, Permit, Application, or Approval	**Fee**
Auctioneer's Permit, pursuant to the **[Municipality's][Businesses ByLaw]**	$**[amount]** per permit **[per year]**
Chimney Sweep's Permit, pursuant to the **[Municipality's][Businesses ByLaw]**	$**[amount]** per permit **[per year]**
Mobile Vendor's Permit, pursuant to the **[Municipality's][Street Vending ByLaw]**	$**[amount]** per vending canteen, station, cart or wagon for the maximum number of stations, carts or wagons authorized under the Permit **[per year]**
Peddler's Permit, pursuant to the **[Municipality's][Businesses ByLaw]**	$**[amount]** per permit **[per year]**
Public Markets Permit, pursuant to the **[Municipality's][Street Vending ByLaw]**	$**[amount]** per permit **[per year]** plus $**[amount]** per authorized stall, booth, or station **[per year]**
Permit for Public Entertainment Events, Exhibitions or Circuses, pursuant to the **[Municipality's][Public Places ByLaw]**	$ **[amount]** per permit for authorized paid attendances of less than 100 , and $**[amount]** for each additional 100, per show
Sewage Sludge Collector's Permit, pursuant to	$**[amount]** per permit **[per**

the **[Municipality's][Businesses ByLaw]**	**year]**
Street Vending Machine Permit, pursuant to the **[Municipality's][Street Vending ByLaw]**	$**[amount]** per machine for the maximum number of machines authorized under the Permit **[per year]**
Taxi Licence, pursuant to the **[Municipality's]** Taxi By-Law and pursuant to the *Motor Vehicle Act*	$**[amount]** per licenced taxicab per year and $**[amount]** per licenced taxicab business per year

Fees in Relation to Other Matters

Description of Licence, Inspection, Permit, Application, Approval, Animal Impoundment, or Service	**Fee**
Bicycle Licence, pursuant to the **[Municipality's]** Bicycle By-Law and pursuant to the *Motor Vehicle Act*	$**[amount]** per bicycle licence
Burning Permit, pursuant to the **[Municipality's][Open Burning By-Law]**	$**[amount]** per permit
Dog Impoundment, pursuant to the **[Municipality's]** Dog By-Law	$**[amount]** per dog for each occasion of impoundment, plus $**[amount]** per dog per day of impoundment

Dog Registration, for neutered males and spayed females, pursuant to the **[Municipality's]** Dog By-Law	$**[amount]** per dog per year
Dog Registration, for other males, pursuant to the **[Municipality's]** Dog By-Law	$**[amount]** per dog per year
Dog Registration, for other females, pursuant to the **[Municipality's]** Dog By-Law	$**[amount]** per dog per year
Purebred Dog Kennel Fee, pursuant to the *Municipal Government Act*	$**[amount]** **[per year]**for each female dog 12 or more months old authorized to be kept at the Kennel at any one time
Landfill Tipping Fees, pursuant to the **[Municipality's]** Solid Waste By-Law	As set out in Schedule "B" to this Policy

53. This Policy shall be effective on **[date]**.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Fees Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18 INCLUDE 172(2)(e)(i)

49 **(1)** The council may make policies

...

(c) setting and amending the fees to be paid for

(i) licences issued pursuant to a by-law of the municipality,

(ii) an inspection required or conducted pursuant to a by-law of the municipality or an enactment,

(iii) permits, applications and approvals required to be obtained from the municipality or an employee of the municipality pursuant to a by- law of the municipality or an enactment,

(iv) and expenses charged for the impoundment of animals;

79 Subject to the approval of the Board for those services that are subject to the *Public Utilities Act*, the council may, by by-law, prescribe charges for the provision of services for persons who use or benefit from the service, on a basis to be set out in the by-law.

172 **(2)** Without restricting the generality of subsection (1) but subject to Part VIII, a council may, in any by-law

...

(e) provide for a system of licences, permits or approvals, including any or all of

(i) establishing fees for licences, permits or approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue, which fees may be set or altered by policy,

See also s. 206(4); s. 211(1)(b); s. 220(4)(l); s. 221(2)(2); s.232(4); s. 237(3) s.270(3)(e); and s. 271(3)(f);

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- This Policy is intended to provide a convenient place to set out and amend fees for municipal applications, permits, licences and certain municipal services. Under the enabling legislation, a municipal unit can set (except in regards Land Use By-Law and Subdivision By-Law processing fees) and amend fees by Policy, including fees that are set out in By-Laws. Because of the significant potential for confusing the public if fees are left in a By-Law in an amount inconsistent with that set out in the Policy, it is strongly recommended that By-Laws which set out fees be amended concurrently with or shortly after the coming into force of a fees Policy. The appropriate amendment may vary depending on the manner in which the fee is set out in the By-Law, but the effect of the amendment should be to remove the amount of the fee and replace it with wording such as "such amount as may be set from time to time by Policy of Council".

- Under s. 211(1)(b) of the *M.G.A.* processing fees in a Land Use By-Law or Subdivision By-Law may arguably only be set by the By-Law itself, although they can be amended by Policy. It is also arguable that fees authorized by by-laws pursuant to legislation other than the *M.G.A.*such as the *Building Code Act*, the *Motor Vehicle Act*, etc can only be set or amended by By-Law.

- For any fee included in the Policy, the setting of the fee must either be completely enabled by provincial legislation (without requiring a By-Law to establish the fee structure) or must be enabled by a By-Law authorized by legislation.

- Care should be taken if contemplated fees are in excess of the estimated average cost of providing the service. S.172(2)(e)(i) of the *M.G.A.* provides that fees charged for certain licences, fees and approvals (those created by By-Law pursuant to s.172 but not those created by the *M.G.A.* itself or by other statute) may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue. Otherwise, however, fees must reasonably relate to the cost of providing a service. Legal advice should be obtained before attempting to use a fee as a source of profit, beyond cost recovery. Although the underlying principles are long-standing, the issue has lately attracted attention as a result of a recent Supreme Court of Canada decision called *Re Eurig*.

- The fees which may be set or amended by Policy are those referenced in s. 49 of the *Municipal Government Act*. A strong argument can be made that "charges" including those which attach to the land, such as infrastructure charges authorized in Part IX (Subdivision) of the *Municipal Government Act*, or charges authorized under s. 81 of the *Act* are not capable of being set or amended except by By-Law, and the appropriate course is accordingly to omit them from the Fees Policy, and set or amend them by By-Law. Likewise, matters referred to in the *Municipal Government Act* as "rates", "taxes", "penalties" or "costs" for which the municipal unit has a right of recovery should normally be excluded from the Policy except where the *Act* expressly provides for them to be set by Policy.

- One example of a situation when it may be appropriate to include in the Policy a matter referred to in the *M.G.A.* as a "cost" occurs when setting out in the Policy payments which include both a "fee" and a "cost" component, in order to avoid misleading the public. For instance, the examples in the model Policy include the cost of advertising a public hearing when setting out the application fee for a development agreement. While that is not a legally necessary component of the Fees Policy, if the advertising cost is being charged to applicants, it might confuse the public to omit that cost when setting out in a Policy the fees for the application.

- For the fees relating to planning matters, Information Bulletin # 22 in the M.G.A. Resource Binder contains additional detail.

- The examples given in the model Policy show some of the alternative ways in which fees may be designed. The Policy should make it very clear when a periodic (e.g. annual) fee is intended, otherwise it will likely be interpreted as a one-time levy.

- No attempt has been made to prepare Schedules outlining fees relating to Building Permits or Inspections or Tipping Fees, both of which are typically detailed and highly variable between municipal units.

- Considerable care should be taken regarding the adoption or amendment of a Fees Policy, including consultation with the municipal solicitor, to ensure that

  - the payment required to be made pursuant to the Policy qualifies as a "fee" under s. 49 of the *Municipal Government Act;*

  - the proposed fee is not inconsistent with the enabling legislation for the subject matter;

  - the solicitor is satisfied that the fee can be set or amended by Policy;

  - any By-Law necessary to charge the fee has been enacted and that the fee is

not structured inconsistently with the enabling By-Law; and

- that the fee is not tantamount to an unlawful tax contrary to the principles reviewed in the *Eurig* case.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [8]
Policy on Delegation of Licensing and Permitting

54. This Policy is entitled "Policy on Delegation of Licensing and Permitting".

55. Council delegates the following powers in respect of licensing and permitting to the respective officer or employee of the **[Municipality]** shown in the following table:

Description of Licensing and Permitting Power(s) Delegated by Council	**Officer, or Employee to Whom Power is Delegated**
1. Power to issue, refuse, suspend, cancel or revoke Solid Waste Collector's Licences	Solid Waste Manager
2. Power to issue, refuse for non-payment of fee, or cancel upon expiry Dog Registration Permits and Purebred Dog Kennel Permits	Dog Contol Officer
3. Power to issue, refuse, suspend, cancel or revoke Auctioneer's Permits, Chimney Sweep's Permits, Mobile Vendor's Permits, Peddler's Permits, Public Markets Permits, Permits for Public Entertainment Events, Exhibitions or Circuses, Sewage Sludge Collector's Permits, Street Vending Machine Permits	By-Law Enforcement Officer
4. Power to issue, refuse, suspend, cancel or revoke Mobile Home Park Permits	Development Officer

3. The exercise of the powers delegated pursuant to s. 2 may be appealed by an aggrieved party to **[insert name of selected standing committee of Council OR Council]** if the aggrieved party files a written letter of appeal with the **[Municipality's]** Clerk within 10 days of being advised of the decision under appeal.

4. Following receipt of the letter of appeal, the Clerk shall advise the Appellant by mail, phone or otherwise of the date upon which the appeal will be heard by **[insert name of selected standing committee of Council OR Council]**.

5. If the appellant is someone other than the actual or proposed permit-holder or licence-holder, the Clerk shall mail a copy of the letter of appeal, by ordinary mail, to the actual or proposed permit-holder or licence-holder, and shall advise that person of the appeal hearing date.

6. **[insert name of selected standing committee of Council OR Council]** shall hold an appeal hearing, allowing the affected parties to be heard, and complying with principles of fairness.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Policy on Delegation of Licensing and Permitting Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

49 **(1)** The council may make policies

...

(d) delegating the power to issue, refuse, suspend, cancel or revoke licences and permits, but not including building permits and development permits;

(2) Where the power to issue, refuse, suspend, cancel or revoke licences and permits is delegated by policy, provision for an appeal of such issuance, refusal, suspension, cancellation or revocation to a standing committee or to the council shall be included in the policy.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- The purpose of this model Policy is to provide for delegation by Council of its licensing and permitting powers, and to provide a simple appeal process to Council or a committee of Council.

- It is probably technically unnecessary to have a delegation Policy in respect of matters which are already delegated by By-Law (in light of s. 47(2) of the M.G.A. which allows Council to exercise powers by By-Law which can be exercised by Policy). However, all delegations of licensing and permitting powers (including those found in existing By-Laws) should be reviewed to ensure they provide for an Appeal to Council or a Committee of Council as required by s. 49(2).

- The model Policy provides a simple table in which licensing and permitting powers can be delegated. For each subject of delegated power, it is important to identify which particular powers (i.e. issuing, refusing issuance, suspending, canceling or revoking a licence or permit) are being delegated. It is recommended that the governing By-Law should contain criteria for refusing, suspending, canceling or revoking a licence or permit, if those powers are intended to be exercised or delegated. For licences or permits which are issued upon payment of a periodic fee, and which do not identify grounds or criteria for suspension or revocation (dog registration permits would be a typical example) the delegation of power should not include the power to suspend or revoke.

- It is questionable whether s.49 (1)(d) supercedes the limits of delegation contained within legislation devoted to particular subjects, such as the Motor Vehicle Act provisions regarding Taxi licensing, and legal advice should be obtained before seeking to delegate a power governed by legislation other than the *Municipal Government Act*.

- The person to whom power is delegated should be a position created by Council (such as the Development Officer) or created by a Chief Administrative Officer. It would be preferable to include such positions in the definitions contained in an Interpretation By-Law as in:

  > "Development Officer" means an employee of the **[Municipality]** appointed for an indefinite period by Council as Development Officer, and includes a person appointed as an Acting Development Officer or Deputy Development Officer;
  >
  > "Dog Control Officer" means an employee of the **[Municipality]** appointed for an indefinite period by **[the Chief Administrative Officer OR Council]** as Dog Control Officer, and includes a person appointed as an Acting Dog Control Officer or Deputy Dog Control Officer;

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Chapter [9]
Payment in Lieu of Prosecution Policy

56. This Policy is entitled "Payment in Lieu of Prosecution Policy".

57. In this Policy:

    (1) "applicable offence" means an offence to which this Policy applies;

    (2) "enforcement officer" means the **[Municipality's]** By-Law Enforcement Officer **[and members of the [Municipality's] Police Department]** except when another employee of the **[Municipality]** is identified as the enforcement officer in respect of this Policy in the applicable By-Law; and

    (3) "to lay a charge" means to issue a Summary Offence Ticket or to swear an information pursuant to the Summary Proceedings Act .

58. This Policy applies to those offences involving a breach of a By-Law which expressly authorizes a payment in lieu of prosecution to be made in accordance with this Policy.

59. The investigation of alleged violations of applicable offences is the responsibility of the enforcement officer.

60. When the enforcement officer, on reasonable grounds, believes that an applicable offence has been committed, the officer, in lieu of or in addition to providing a warning and in lieu of laying a charge may issue a Notice of By-Law Violation, generally in the form of the draft Notice appended to this Policy.

61. The exercise of the enforcement officer's discretion pursuant to Section **[5]** shall conform with the following principles:

    (1) The decision shall be made in a non-discriminatory, fair manner, affording to all persons the equal protection and benefit of the law, and to the extent reasonably possible, alleged violators shall be treated similarly in similar

circumstances.

(2) Subject to any lawful resolution of Council of general application regarding enforcement practices, the decision shall not be influenced by members of Council or by political factors.

(3) The decision shall not be influenced by personal relationships involving the enforcement officer.

(4) The decision shall not be inconsistent with the principles of fundamental justice.

(5) The enforcement officer's knowledge of a history of prior violations by the alleged offender, including violations which were the subject of warnings or previous Notices of By-Law Violation, the seriousness or willfulness of the violation, and the consequences of the violation or of a continued or repeated violation are factors properly considered by the enforcement officer in making the decision.

62. When issuing a Notice of By-Law Violation, the enforcement officer shall fill in the blanks on the Notice to the best of the officer's ability.

63. Upon issuance, or shortly thereafter, the enforcement officer shall attempt to deliver the Notice of By-Law Violation to the alleged offender, or post it upon any real or personal property involved in the violation, or shall otherwise attempt to bring it to the attention of the alleged offender.

64. The alleged offender shall have 14 days from the date of issuance of the Notice of By-Law Violation in which to pay the payment in lieu of prosecution authorized by By-Law and identified in the Notice.

65. Payments in lieu of prosecution shall be made by mail to **[insert address]**; or in person at **[insert specific location, such as the Tax Office in the municipal building, with address]**.

66. A receipt for such payments shall be provided by municipal staff to the payor.

identifying the number on the Notice of Violation, and whether the payment has been made by cash, cheque or otherwise.

67. Notwithstanding the issuance of a receipt, the payment shall not be deemed to have been received for purposes of section **[13]** until cheques **[or credit card payments]** have irrevocably cleared the banking system.

68. Upon receipt of a timely payment in lieu of prosecution in respect of a violation for which a Notice of By-Law Violation has been issued, the alleged offender shall not be prosecuted by the **[Municipality]** for that violation and the payment shall operate as a Release by the **[Municipality]** of any charge that it might otherwise lay in respect of the violation.

69. In the event an alleged offender does not make timely payment in lieu of prosecution, the **[Municipality]** may lay a charge pursuant to the *Summary Proceedings Act*. The **[Municipality's]** **[Enforcement Policy]** shall apply in respect of the laying of the charge, and its prosecution.

70. Subject only to section **[13]**, non-compliance by the **[Municipality]** with this Policy shall not constitute a defence to a charge for breach of a By-Law.

[SEE FOLLOWING PAGE FOR DRAFT NOTICE OF BY-LAW VIOLATION]

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Payment in Lieu of Prosecution Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18 SECTIONS 172(1)(l)(vii)

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- For By-Laws which expressly provide for it under s. 172(1)(l)(iv) of the *Act*, the Municipality can accept a payment of a specified amount in exchange for releasing a person from prosecution for breach of the By-Law. This Policy creates a framework for such a system to accompany the text in the By-Law.

- The procedure is intended to create an alternative system to Summary Offence Tickets ("SOT's"), which are authorized under the Summary Proceedings Act. SOT's involve tickets which have fines containing a provincial component of at least $50 for Court administration costs and a 15% victims of crime compensation levy, and typically have an additional municipal component of $100 or more, resulting in a total amount payable of $165. The procedures outlined in this Policy are generally most appropriate for minor By-Law breaches, with more modest penalties. The amount stipulated in the By-Law for a payment in lieu of prosecution should be significantly less than the penalty in the event of prosecution in order to provide incentive to make the payment.

- Section 49(1)(e) authorizes the amount of the payments to be established in the Policy. However s. 172(1) refers to an "amount established by by-law", and the model Policy assumes that the amount has in fact been identified in the By-Law.

- In deciding whether to make use of this Policy, Council should consider whether it is willing to follow up on persons who do not pay the out-of-Court settlement

contemplated by this Policy. Proper follow-up will normally involve laying an information (or issuing an SOT) and prosecuting the violator. It is important to keep in mind that a Notice of By-Law Violation does not create a civil debt to the municipal unit, and, unlike the SOT process, it also does not start the prosecution process. It merely provides an opportunity to a violator to avoid prosecution. Routine failure to follow up with a charge and prosecution will bring the process (and the municipal unit) into disrepute and, by word of mouth, will likely lead to high rates of non-payment.

- The description of the offence within the Notice of By-Law Violation should be carefully drafted to ensure that if a charge is laid, the ticket or information can readily be drafted from the Notice. Additionally, the alleged offender should be provided with adequate information to determine whether to contest the allegation.

- The Notice provides a space for the offender's name and address, but this information may not always be available at the time of issuing the Notice. It is suggested that a more complete Notice (with the same identifying #) could be sent to the offender when the information is available.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [10]
Minimum Dwelling Unit Tax Policy

71. This Policy is entitled "Minimum Dwelling Unit Tax Policy".

72. In this Policy:

    (1) "dwelling unit" has the same meaning as in legislation authorizing the **[Municipality]** to prescribe a minimum tax per dwelling unit.

73. Council hereby prescribes a minimum tax per dwelling unit and sets the level of such minimum tax at $**[insert amount]** per dwelling unit in **[the Municipality OR describe precisely the area to which this minimum tax applies and repeat this section, with the applicable tax amount, for each other area of the municipal unit].**

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Minimum Dwelling Unit Tax Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18 , s. 74

(1) The council may, by policy, prescribe a minimum tax per dwelling unit and the minimum tax may be set at different levels for different areas of the municipality.

(2) Where the tax rate applied to the assessment of a property is less than the minimum tax prescribed by the council, the owner of the property shall pay an additional tax equal to the difference between the tax rate applied to the assessment of the property and the minimum tax.

(3) The number of dwelling units in a property shall be determined by the Director of Assessment whose decision may be appealed to the Board.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- The model Policy is to allow municipal units to set a flat rate minimum. A discussion of the minimum dwelling unit tax is found at Tab 2, *Information Bulletin #9*, in the *M.G.A. Resource Binder* distributed by the Department of Housing and Municipal Affairs.

- There is no need to repeat the contents of s.74 within the Policy and it is generally preferable not to do so.

- If different areas of the municipal unit are to have different minimum taxes, the same form of prescribing and rate-setting can be used for each separate minimum tax area as is set out in s. 3 of the model Policy for an entire municipal unit. Areas

must be precisely defined however.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [11]
Investment Policy

General

74. This Policy is entitled "Investment Policy".

75. In this Policy:

(1) "Government of Canada" includes entities guaranteed by the Government of Canada, to the extent the guarantee applies to the security in question;

(2) "medium or long-term surplus funds" means surplus funds that are

(a) in a sinking fund, capital reserve fund, utility depreciation fund, special reserve fund or a surplus special purpose tax fund; and

(b) in the reasonable opinion of the **[Municipality's][Treasurer OR Director of Finance]** after consultation with the **[Municipality's]** Audit Committee at or shortly after a fiscal year-end, not likely to be exhausted within 12 months in order to meet any operating or capital expenditures or liabilities of the **[Municipality]** for which the particular funds have been reserved;

(3) "other Provincial Governments of Canada" includes entities guaranteed by such governments, to the extent the guarantee applies to the security in question;

(4) "participating financial institutions" means banks, credit unions, trust companies, investment dealers or brokers including all banks, credit unions, trust companies, investment dealers or brokers which express a wish to participate in the **[Municipality's]** investment program.

(5) "Province of Nova Scotia" includes entities guaranteed by the Province of

Nova Scotia, to the extent the guarantee applies to the security in question;

(6) "short-term surplus funds" means surplus funds other than medium or long-term surplus funds; and

(7) "surplus funds" means funds beneficially owned and controlled by the **[Municipality]** in excess of a cash/chequing account float of up to $**[insert amount]** used for day to day operation of the **[Municipality]**;

76. This Policy is intended to govern the investment of surplus funds of the **[Municipality]** except in regards:

(1) particular funds in respect of which Council by resolution has provided specific investment direction;

(2) funds held in trust or escrow to complete a transaction or settlement;

(3) funds under the lawful management and control of the Province of Nova Scotia or its designate; and

(4) the Pension Plan of the **[Municipality's]** employees.

77. **[Investment activity on behalf of the [Municipality] shall be governed by the [Municipality's] Conflict of Interest Policy, and, in particular,]** The **[Municipality's][Treasurer OR Director of Finance]** shall not engage in any personal or business activities which would benefit from, or reasonably be perceived to benefit from, investment choices made on behalf of the **[Municipality]**.

78. Every investment shall be in the name of the **[Municipality]** and registered securities shall bear the name of the **[Municipality]** and documentation shall be obtained in the form of a certificate from the borrower, or a confirmation by a broker or banker that the documentation is held in safe-keeping for the **[Municipality].**

79. The only eligible investments for surplus funds of the **[Municipality]** are bonds, bills, Guaranteed Investment Certificates, deposit accounts, or other money market, fixed income or debt instruments of the following institutions or corporations:

(1) Government of Canada;

(2) Province of Nova Scotia;

(3) other Provincial Governments of Canada;

(4) chartered banks, trust companies and credit unions having a rating of "R1 Medium" or better;

(5) credit unions covered by the Nova Scotia Stabilization Fund;

(6) institutions covered by the Canadian Deposit Insurance Corporation, but only up to the extent of the insured limit;

(7) for medium or long-term surplus funds only, Canadian companies having a Bond rating of "A" and a Commercial Paper rating of "R1 Medium" or better from the Dominion Bond Rating Service; and/or

(8) investment pools approved by the Minister of Housing & Municipal Affairs.

Short-Term Surplus Funds

80. The following objectives are the principles underlying this Policy in regards the investment of short-term surplus funds, ranked in order of importance:

(1) preservation of the principal amount of all investments;

(2) subject to subsection (1), maintenance of the liquidity of all investments; and

(3) subject to subsections (1) and (2), maximization of the rate of return on all investments.

81. The maximum term for which an investment of short-term surplus funds shall be committed shall not exceed the amount shown in parentheses for the respective institutional or corporate category:

(1) Government of Canada (1 year);

(2) Province of Nova Scotia (1 year);

(3) other Provincial Governments of Canada (1 year);

(4) chartered banks, trust companies and credit unions (1 year);

(5) other institutions covered by Canadian Deposit Insurance Corporation (6 months); and

(6) investment pools approved by the Minister of Housing & Municipal Affairs (1 year).

82. The maximum total investment of short-term surplus funds with

(1) any individual institution or corporation covered under subsections **[(4), (5), or (6) of section 6]** will be limited to a maximum of 10% of invested short-term surplus funds or $**[insert amount]**, whichever is greater; and

(2) corporations covered under subsection **[(7) of section 6]** shall not be permissible investments for short-term surplus funds.

83. The investment process outlined in section **[11]** shall be used whenever the **[Municipality's][Treasurer OR Director of Finance]** anticipates that the **[Municipality]** will have short-term surplus funds in an amount greater than

(1) $**[insert amount]** to invest for a period of **[insert #]** days;

(2) $**[insert amount]** to invest for a period of **[insert #]** days;

(3) $**[insert amount]** to invest for a period of **[insert #]** days; or

(4) $**[insert amount]** to invest for a period of **[insert #]** days;

and may be used in other instances. Otherwise, the **[Municipality]** shall deposit short-term surplus funds with its usual banking services provider.

84. Subject to sections **[3 and 10]**, the following investment process for short-term surplus funds shall be carried out by the **[Municipality's][Treasurer OR Director of Finance]**:

(1) Determine the amount to be invested, the term of the investment having regard to the anticipated date of utilization of the funds and any flexibility requirements regarding the term, by referring to the latest estimate of the cash flow forecast (cash budget) and consultation with the **[Department Heads or the Audit Committee or both]**;

(2) Provide a copy of this Policy to participating financial institutions;

(3) Contact **[at least 3]** participating financial institutions and inform them of the following:

(a) amount to invest,

(b) term,

(c) flexibility,

(d) time and date at which rates and investment proposals will be received,

(e) any other criteria, not inconsistent with this Policy, which will or may govern the choice of investment proposal;

(4) Obtain proposals from participating financial institutions and select the successful proponent for the investment based on comparison of rates **[(a reduction of up to five basis points will be accepted on federal government securities)]**, the extent to which a proposal best meets the objectives and terms of this Policy and any other criteria which are provided in advance to participating financial institutions; and

(5) Inform participating financial institutions of the outcome.

Medium or Long-Term Surplus Funds

85. The following objectives are the principles underlying this Policy in regards the investment of medium or long-term surplus funds, ranked in order of importance:

(1) preservation of the principal amount of all investments;

(2) subject to subsection (1), matching the maturing or liquidity of investments with the anticipated dates of utilization of the funds, as determined by the **[Municipality's][Treasurer OR Director of Finance]** after consultation with the **[Municipality's]** Audit Committee at or shortly after a fiscal year-end; and

(3) subject to subsections (1) and (2), maximization of the rate of return on all investments.

86. For purposes of section **[12]** an asset is not liquid if it might have to be sold at a loss

in order to make funds available for utilization.

87. The total medium or long-term surplus funds invested with

(1) any individual financial institution or corporation covered under subsections **[(4) of section 6]** shall be limited to a maximum of 20% of medium or long-term surplus funds or **[$insert amount]**, whichever is greater;

(2) any individual institution or corporation covered under subsections **[(5), (6) or (7) of section 6]** shall be limited to a maximum of 10% of medium or long-term surplus funds or **[$insert amount]**, whichever is greater;

(3) all financial institutions covered under subsection **[(4) of section 6]**, in aggregate, shall be limited to a maximum of 50% of medium or long-term surplus funds or **[$insert amount]**, whichever is greater;

(4) all corporations covered under either of subsections **[(5) and (6) of section 6]**, in aggregate, shall be limited to a maximum of 20% of medium or long-term surplus funds or **[$insert amount]**, whichever is greater;

(5) all corporations covered under subsection **[(7) of section 6]**, in aggregate, shall be limited to a maximum of 20% of medium or long-term surplus funds or **[$insert amount]**, whichever is greater;

(6) the Province of Nova Scotia in aggregate shall be limited to a maximum of 70% of medium or long-term surplus funds or **[$insert amount]**, whichever is greater;

(7) any individual other Provincial Government of Canada shall be limited to a maximum of 35% of medium or long-term surplus funds or **[$insert amount]**, whichever is greater;

(8) the other Provincial Governments of Canada in aggregate shall be limited to a maximum of 70% of medium or long-term surplus funds or **[$insert amount]**, whichever is greater; and

(9) the Government of Canada shall not be limited.

88. The process outlined in s. **[11]** of this Policy shall be followed in regards medium and long-term investments with any necessary changes for the context.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Investment Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18, s. 100

(1) Funds in a sinking fund, capital reserve fund, utility depreciation fund or other fund of a municipality shall be

(a) deposited in an interest bearing account at a bank doing business in the Province;
(b) invested pursuant to an investment policy adopted by the council and approved by the Minister; or
(c) invested in investments in which a trustee is permitted to invest pursuant to the *Trustee Act.*

(2) Income arising from the investment of a fund is part of that fund unless the council otherwise provides.

(3) The council may pledge any investments to the credit of the capital reserve fund as collateral security for a borrowing for a capital purpose.

Trustee Act, R.S.N.S. 1998, c.479:

3. Subject to Sections 4 and 5, a trustee may, for the sound and efficient management of a trust, establish and adhere to investment policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments to avoid undue risk of loss and to obtain a reasonable return.

4. The Governor in Council may make regulations prescribing or prohibiting the investment of money by a trustee in particular investments and prescribing investments or classes of investments in which money may be invested by a trustee for the sound and efficient management of a trust.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the

law and the investment of funds involves difficult choices of balancing risk against return. Municipal units should consult with their own legal advisors and independent financial advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- This Policy provides guidance and controls on the investment of surplus municipal funds, and through an investment process allocates the responsibilities for investment choices between staff and the municipal unit's Audit Committee (or Finance Committee). It also provides for a near-tendering process to avoid actual or perceived favouritism. **The Policy must be approved by the Minister and accordingly consultation with Department staff is recommended prior to adoption by Council.**

- In the absence of a Policy funds must be invested in an interest bearing bank account or in investments permitted by trustees under the *Trustee Act*. Because the *Trustee Act* provides little guidance beyond a general requirement of prudence, municipalities without a Policy may be uncertain of how to invest funds, and may therefore be either excessively cautious and realize an unreasonably low rate of return, or may make improvident investments that expose needed funds to too much risk. The model Policy is intended to afford comfort to treasurers to make conventional, relatively low risk investments.

- The model Policy is based on a draft policy prepared by the Department of Housing and Municipal Affairs focussing on short-term investments, and, in regards medium and long term investments, on a modification of the Municipal Finance Corporation's investment policy.

- The model Policy allows Council to create an investment policy, but to leave staff to make investment decisions without political involvement except in regards involving the Audit Committee in estimating likely future spending timetables for medium or long-term funds.

- The model policy identifies in s.6 the permitted types on investment. Any form of equity investment (such as stock market investments) is prohibited by the wording at the beginning of s.6. Deposits in CDIC insured financial institutions, government bonds, and bonds issued by Canadian corporations with a good rating is permitted (although the latter are only permitted for medium or long term investments. Investment pools approved by the Minister will be a permitted investment, although no such pools exist at the time of this draft.

- Liquidity of investments is a significant factor for short-term investments (where the funds are likely needed within 12 months). Typically short-term investments

are comprised of cash surpluses resulting from the fact tax revenues are not spread evenly throughout the year. S.8 places limits on the term to maturity of short-term investments.

- Section 9 suggests limitations on the concentration of investments in order to reduce risk by diversification. Where the overall investment amount is small, relative to the municipal budget, diversification will probably cost more in transaction costs or loss of yield than it is worth, and accordingly a flat figure, such as $200,000 might be used in each sub-paragraph. A similar figure could be used in s. 14 dealing with medium or long-term investments.

- Section 10 of the model Policy should be deleted for municipal units that are prepared to allow all short-term surplus funds to be kept as cash in the bank. Otherwise, amounts should be set to compel investment of funds where there is a significant potential revenue loss from failing to do so. The amounts should be selected with a view to avoiding a real likelihood that investing cash will result in a loss due to transactional costs and higher borrowing costs in the event cash flow projections are inaccurate. Sample values might be for $5,000,000, $1,000,000, $200,000, and $75,000 for 7, 30, 90 and 180 or more days respectively. An alternative approach, simpler but not tailored to particular cash flow expectations, would be to identify a desired maximum of cash holdings and to stipulate that the process in s. 11 shall used whenever cash holdings exceed that amount.

- Section 11 provides for a near-tendering process.

- For medium or long-term investments, s. 12 and 13 require that the term to maturity of investments have regard to the anticipated date of utilization of the funds. The object should be to avoid having to sell off investments significantly before maturity, resulting in a loss or significantly impaired return. Staff is required to consult with the Audit Committee shortly after each fiscal year end to obtain political guidance on estimated spending plans in the future.

- More stringent diversification requirements are imposed for long-term funds in s. 14.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [12]
Dangerous and Unsightly Premises Policy

1. This Policy is entitled the "Dangerous and Unsightly Premises Policy".
2. In this Policy "an order to demolish" includes an order to completely remove a building and includes an order in which demolition or complete removal of a building is ordered only in the event of non-performance by an owner of some other term or condition in the order.
3. Council delegates its authority to **[insert name of selected standing committee]** to carry out hearings and to issue dangerous or unsightly premises orders in instances in which an order to demolish is being considered.
4. Council delegates its authority to issue all other dangerous or unsightly premises orders to the Administrator of Dangerous or Unsightly Premises, an employee of the Municipality designated by **[the Chief Administrative Officer OR Council]** to be responsible for the dangerous or unsightly premises provisions of the *Municipal Government Act* or successor legislation.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Dangerous and Unsightly Premises Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

3 In this Act,

(a) "administrator" means the employee of a municipality designated by the chief administrative officer to be responsible for the provisions of this Act respecting dangerous or unsightly premises, except where the context otherwise requires, and includes a person acting under the supervision and direction of the administrator;

345 (1) The council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the administrator.

(2) The council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the administrator, to a community council or to a standing committee, for all or part of the municipality.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- No policy is required if Council wishes to retain all the authority to issue dangerous or unsightly orders.
- The model policy is drafted on the assumption that a single standing committee will deal with hearings and orders involving demolition. Council can amend the model policy to delegate to different committees in different areas of a Municipality (or to Community Councils in the HRM). That can be accomplished

by referring in section 3 (in place of the standing committee) to "the following committees for premises located within their territorial jurisdiction" and then listing the committees after a colon at the conclusion of section 3.

- Council may not wish to have the administrator issuing any orders at all. In that instance, the authority to issue all orders (not just demolition orders) can be given to the applicable standing committee, and sections 2 and 4 can both be deleted from the Policy.

- Council (by resolution) must designate an Administrator for purposes of s.4 of the Policy if there is no Chief Administrative Officer. If there is a CAO, under s 3 (a) of the *M.G.A.* the CAO designates the Administrator. A written letter to the employee from the CAO would likely suffice.

- If Council wishes to limit or constrain its enforcement of dangerous or unsightly premises, it could enact clauses in this policy to achieve that purpose. For example, a policy could stipulate that the administrator shall not issue orders or investigate dangerous or unsightly premises except upon receiving a complaint.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [13]
Warden and Deputy Warden Policy

1. This Policy is entitled the "Warden and Deputy Warden Policy".

2. This Policy shall be interpreted in accordance with and subject to applicable provincial legislation.

3. In this Policy:

   "majority" means a majority of Councillors who are present at the meeting.

4. The Warden shall be elected by Council in accordance with the following process and rules:

   (1) The Clerk shall preside as Chair at any meeting or portion of any meeting during which a Warden is elected.

   (2) After announcing that the business of Council at the meeting is to elect a Warden, the Chair shall call for nominations. All nominations and secondings shall be made openly and publicly, by raising of the hand to attract the attention of the Chair and announcing the nomination or seconding of a candidate when called upon.

   (3) A candidate may be nominated by any other Councillor, including a Councillor who is a nominator or seconder of a previously nominated candidate, or who is a previously nominated candidate.

   (4) The Chair shall ask if there is a seconder for the nomination. Any Councillor except the nominator and the candidate may second the nomination. Failure to obtain a seconder shall result in the nominee's name not being included in the list of candidates to be voted upon.

   (5) Each nominee shall be asked if he or she consents to being nominated. If the nominee declines to give unconditional consent, the nominee's name

shall not be included in the list of candidates to be voted upon.

(6) The Chair shall repeatedly call for additional nominations until, after calling three successive times without a successful nomination, the Chair shall announce that nominations are closed.

(7) When there is only one candidate, the Chair shall call for a motion to elect the Warden, and the candidate shall be elected Warden if the motion passes by majority vote.

(8) When there is more than one candidate to be voted upon, the Chair shall prepare ballots with each candidate's name and shall distribute the ballots, one to each Councillor. Before the voting occurs, Council may by resolution appoint a scrutineer to verify the vote and to assist the Chair in connection with the vote.

(9) The Councillors shall vote by placing a mark beside the candidate of their choice, and folding the ballot. A candidate may vote for himself or herself.

(10) The ballots shall be collected and counted in a manner that preserves the confidentiality of each Councillor's ballot. The Chair shall only declare a ballot to be spoiled if the ballot does not disclose a clear preference in favour of any one candidate.

(11) If, after any vote, the Chair determines that a majority has voted for any one candidate, the Chair shall announce the name of the Warden so elected, but shall not announce the number of votes obtained by any candidate. Council may pass a motion authorizing the Chair to destroy the ballots.

(12) If, after any vote, a majority has not voted for any one candidate, new ballots shall be prepared but the name of the candidate with the fewest number of votes on the previous vote shall be excluded from the new ballots. Voting shall continue in the same fashion until a Warden is declared elected by the Chair.

(13) In the event of a tie or deadlock, the Chair shall fairly use the following methods firstly, in an effort to have the voting progress towards reducing the number of candidates to 2, and secondly in an effort to elect a Warden by a majority:

(a) If, with no candidate elected by majority, there is more than one candidate in a tie with the fewest votes, all such candidates in the tie shall be excluded from the new ballot unless their exclusion would result in less than 2 candidates remaining upon the ballot.

(b) The Chair shall ask if any candidate is prepared to withdraw his or her name from the next ballot.

(c) Where three or more candidates remain, and one candidate had more votes than the others, a run-off ballot may be carried out amongst the others to see which candidate should progress to a final vote.

(d) The Chair may call for a public vote, with each Councillor signifying his vote by voice and hand upon the Chair calling for votes for each candidate.

(e) The Chair may call for individual motions to elect as Warden one of the candidates, to determine whether a majority can be obtained in this fashion for any candidate, calling for such motions in a logical sequence beginning with candidates who attracted the greatest support on previous balloting, and otherwise using alphabetical order to determine the sequence in which the motions will be called for.

(f) After every reasonable effort by the Chair to find a candidate with majority support, the deadlock shall be broken by having the Chair place the names of the candidates on equal size pieces of paper in a box and having one name being drawn by a person chosen by the

Chair.

5. **[The term of office of the Warden shall expire at the beginning of the first regular Council meeting after the second anniversary of the date of the previous general municipal election or when the term of office of the Council expires following a general municipal election, whichever comes first]**.

6. In addition to any duties, responsibilities, powers or authority prescribed by applicable legislation, the Warden **[shall OR may]**:

   (1) **[insert list of additional responsibilities, such as chair of particular committees, membership on particular committees, cheque-signing authority, etc]**

Deputy Warden

7. At the first regular meeting of Council following

   (1) a general municipal election;

   (2) **[expiry of the term of a previous Deputy Warden;]**

   (3) Council receiving notice of the resignation of a Deputy Warden;

   (4) the Deputy Warden's removal from office in accordance with this Policy; or

   (5) the office of Deputy Warden otherwise becoming vacant Council shall select from among its members a Deputy Warden in accordance with the process and rules set out in Section **[4]** of this Policy for electing a Warden, with any necessary changes for the context.

8. The term of office of the Deputy Warden shall expire **[when the term of office of the Council expires following a general municipal election OR at the beginning of the first regular Council meeting after the second anniversary of the date of the previous general municipal election or when the term of office of the Council expires following a general municipal election, whichever comes first]**.

9. The Deputy Warden may resign and may cease to be qualified to hold office in the

same manner as stipulated in respect of Councillors in applicable legislation.

10. The Deputy Warden may be removed from office by Council by a vote of two-thirds of the Council Members after 20 days notice in writing has been provided to the Clerk and Council Members.

11. In addition to any duties, responsibilities, powers or authority prescribed by applicable legislation, the Deputy Warden **[shall OR may]**:

    (1) **[insert list of additional responsibilities, such as chair of particular committees, membership on particular committees, cheque-signing authority, etc].**

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

_____ _____
Clerk Date

Warden and Deputy-Warden Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18

Section 12

(1) The warden of a county or district municipality shall be chosen by the council members from among themselves.

(2) The term of office of the warden expires when the term of office of the council expires, unless prior to the selection of a warden, the council, by policy, adopts a shorter term of office for the warden.

(3) The warden shall be chosen

> (a)at the first meeting of the council in a regular election year after the time for applying for a recount has expired; or
>
> (b)at the first meeting of the council after the expiration of the term of a warden or when the office of warden otherwise becomes vacant.

(4) The clerk shall preside at the meeting of the council at which the warden is to be elected, until the warden is elected.

(5) If a majority of the council members are unable to agree upon the choice of a warden, the clerk shall determine the warden from the two leading candidates by lot as provided in the Municipal Elections Act.

(6) The council of a county or district municipality may, by policy, adopt rules governing the election of a warden by the council members.

(7) The council of a county or district municipality may

> (a) by a vote of two thirds of the council members; and
>
> (b) on twenty days notice in writing to the clerk, the warden and the councillors,

remove a warden from office as warden and proceed to elect a new warden.

Section 16

(1) The council shall select one of its council members to be the deputy mayor or deputy warden of the council.

(2) Prior to the selection of a deputy mayor or deputy warden, the council shall determine, by policy, the term of office of the deputy mayor or deputy warden.

(3) The deputy mayor or deputy warden shall act in the absence or inability of the mayor or warden or in the event of the office of mayor or warden being vacant.

(4) The council may prescribe, by policy, additional duties and responsibilities of the deputy mayor or deputy warden.

(5) The deputy mayor or deputy warden has all the power and authority and shall perform all the duties of the mayor or warden when the deputy mayor or warden is notified that

(a) the mayor or warden is absent or unable to fulfil the duties of mayor or warden; or
(b) the office of mayor or warden is vacant.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- The model Policy serves both as a Policy regarding the means of Council electing the Warden and as the Policy specifying the term of office of the Deputy-Warden both of which are subjects that must be dealt with by Policy.

Warden

- See Information Bulletin #5 at Tab 2 of the N.S.D.H.M.A. Municipal Government Act Resource Guide regarding selection of the Warden.

- The model Policy must contain a requirement of majority support for the Warden.

- An important option for Council to consider is whether to allow secret balloting. Open balloting may be stipulated if Council wishes. The model Policy provides

for secret balloting, except that public voting is one of several permitted means for the Clerk to attempt to break a deadlock in the voting.

- Detailed nominating and tie-break formulas are probably wise to avoid having the Clerk make difficult decisions without guidance in a pressured political setting and to avoid resort to an outcome decided entirely by chance. If the deadlock cannot otherwise be broken, s. 12(5) of the *M.G.A.* incorporates by reference the procedure from the *Municipal Elections Act*, which stipulates in s.138 for the drawing of a name from lots placed in a box. This method is specified in s. 4(13)(f) of the Policy.

- If the term of office of the Warden to be that of the Council as a whole, it is unnecessary to include any provision in the Policy and section 5 should be deleted. Section 5 has been drafted, for illustration purposes, to provide for a 2 year term. See subs. 12(2) of the **M.G.A**.

- It is unnecessary to specify the means available to Council to remove a Warden as those are governed by statute.

- Unless Council wishes to identify additional powers to those conferred by statute, section 6 can be deleted.

Deputy Warden

- Section 7 adopts by reference the same method for selecting a Deputy Warden as a Warden.

- Section 8 is the most important provision in the Policy as it is a requirement for all municipalities to identify by Policy the term of office of their Deputy Warden or Deputy Mayor. The model Policy provides language for either of 2 alternatives: a 4 year term (same as for Council) or a 2 year term.

- Sections 9 and 10 provide for resignation and removal from office, tracking the text contained in the M.G.A. for removing a Warden.

- Unless Council wishes to identify additional powers to those conferred by statute, section 11 can be deleted.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

Chapter [14]
Deputy Mayor Policy

12. This Policy is entitled the "Deputy Mayor Policy".

13. This Policy shall be interpreted in accordance with and subject to applicable provincial legislation.

14. In this Policy:

"majority" means a majority of Council Members who are present at the meeting.

15. At the first regular meeting of Council following

(1) a general municipal election;

(2) **[expiry of the term of a previous Deputy Mayor;]**

(3) Council receiving notice of the resignation of a Deputy Mayor;

(4) the Deputy Mayor's removal from office in accordance with this Policy; or

(5) the office of Deputy Mayor otherwise becoming vacant

Council shall select from among its members a Deputy Mayor in accordance with the process and rules set out in this Policy.

16. The selection process for the office of Deputy Mayor shall be as follows:

(1) The Mayor or, in the absence of the Mayor, the Clerk shall preside as Chair during the selection process.

(2) After announcing that the business of Council at the meeting is to elect a Deputy Mayor, the Chair shall call for nominations. All nominations and secondings shall be made openly and publicly, by raising of the hand to attract the attention of the Chair and announcing the nomination or seconding of a candidate when called upon.

(3) A candidate may be nominated by any other Council Member, including a Council Member who is a nominator or seconder of a previously nominated candidate, or who is a previously nominated candidate.

(4) The Chair shall ask if there is a seconder for the nomination. Any Council Member except the nominator and the candidate may second the nomination. Failure to obtain a seconder shall result in the nominee's name not being included in the list of candidates to be voted upon.

(5) Each nominee shall be asked if he or she consents to being nominated. If the nominee declines to give unconditional consent, the nominee's name shall not be included in the list of candidates to be voted upon.

(6) The Chair shall repeatedly call for additional nominations until, after calling three successive times without a successful nomination, the Chair shall announce that nominations are closed.

(7) When there is only one candidate, the Chair shall call for a motion to elect the Deputy Mayor, and the candidate shall be elected Deputy Mayor if the motion passes by majority vote.

(8) When there is more than one candidate to be voted upon, the Chair shall prepare ballots with each candidate's name and shall distribute the ballots, one to each Council Member. Before the voting occurs, Council may by resolution appoint a scrutineer to verify the vote and to assist the Chair in connection with the vote.

(9) The Council Members shall vote by placing a mark beside the candidate of their choice, and folding the ballot. A candidate may vote for himself or herself.

(10) The ballots shall be collected and counted in a manner that preserves the confidentiality of each Council Member's ballot. The Chair shall only declare a ballot to be spoiled if the ballot does not disclose a clear preference in favour of any one candidate.

(11) If, after any vote, the Chair determines that a majority has voted for any one candidate, the Chair shall announce the name of the Deputy Mayor so elected, but shall not announce the number of votes obtained by any candidate. Council may pass a motion authorizing the Chair to destroy the ballots.

(12) If, after any vote, a majority has not voted for any one candidate, new ballots shall be prepared but the name of the candidate with the fewest number of votes on the previous vote shall be excluded from the new ballots. Voting shall continue in the same fashion until a Deputy Mayor is declared elected by the Chair.

(13) In the event of a tie or deadlock, the Chair shall fairly use the following methods firstly, in an effort to have the voting progress towards reducing the number of candidates to 2, and secondly in an effort to elect a Deputy Mayor by a majority:

(a) If, with no candidate elected by majority, there is more than one candidate in a tie with the fewest votes, all such candidates in the tie shall be excluded from the new ballot unless their exclusion would result in less than 2 candidates remaining upon the ballot.

(b) The Chair shall ask if any candidate is prepared to withdraw his or her name from the next ballot.

(c) Where three or more candidates remain, and one candidate had more votes than the others, a run-off ballot may be carried out amongst the others to see which candidate should progress to a final vote.

(d) The Chair may call for a public vote, with each Council Member signifying his vote by voice and hand upon the Chair calling for votes for each candidate.

(e) The Chair may call for individual motions to elect as Deputy

Mayor one of the candidates, to determine whether a majority can be obtained in this fashion for any candidate, calling for such motions in a logical sequence beginning with candidates who attracted the greatest support on previous balloting, and otherwise using alphabetical order to determine the sequence in which the motions will be called for.

(f) After every reasonable effort by the Chair to find a candidate with majority support, the deadlock shall be broken by having the Chair place the names of the candidates on equal size pieces of paper in a box and having one name being drawn by a person chosen by the Chair

17. The term of office of the Deputy Mayor shall expire **[when the term of office of the Council expires following a general municipal election OR at the beginning of the first regular Council meeting after the second anniversary of the date of the previous general municipal election or when the term of office of the Council expires following a general municipal election, whichever comes first]**.

18. The Deputy Mayor may resign and may cease to be qualified to hold office in the same manner as stipulated in respect of Councillors in applicable legislation.

19. The Deputy Mayor may be removed from office by Council by a vote of two-thirds of the Council Members after 20 days notice in writing has been provided to the Clerk and Council Members.

20. In addition to any duties, responsibilities, powers or authority prescribed by applicable legislation, the Deputy Mayor **[shall OR may]**:

    (1) **[insert list of additional responsibilities, such as chair of particular committees, membership on particular committees, cheque-signing authority, etc].**

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Deputy Mayor Policy
Editor's Annotations

Enabling Legislation

Municipal Government Act, S.N.S. 1998, c.18, s.16:

(1) The council shall select one of its council members to be the deputy mayor or deputy warden of the council.

(2) Prior to the selection of a deputy mayor or deputy warden, the council shall determine, by policy, the term of office of the deputy mayor or deputy warden.

(3) The deputy mayor or deputy warden shall act in the absence or inability of the mayor or warden or in the event of the office of mayor or warden being vacant.

(4) The council may prescribe, by policy, additional duties and responsibilities of the deputy mayor or deputy warden.

(5) The deputy mayor or deputy warden has all the power and authority and shall perform all the duties of the mayor or warden when the deputy mayor or warden is notified that

> (a) the mayor or warden is absent or unable to fulfil the duties of mayor or warden; or
>
> (b) the office of mayor or warden is vacant.

Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

Comment

- The model Policy serves as the Policy specifying the term of office of the Deputy Mayor which is a subject which must be dealt with by Policy.

- Section 5 outlines the process and rules for electing a Deputy Mayor.

- The model Policy contains a requirement of majority support for the Deputy Mayor.

- An important option for Council to consider is whether to allow secret balloting. Open balloting may be stipulated if Council wishes. The model Policy provides for secret balloting, except that public voting is one of several permitted means for the Clerk to attempt to break a deadlock in the voting.

- Detailed nominating and tie-break formulas are probably wise to avoid having the Mayor or Clerk make difficult decisions without guidance in a pressured political setting and to avoid resort to an outcome decided entirely by chance. If the deadlock cannot otherwise be broken, the model Policy calls for the drawing of a name from lots placed in a box.

- Section 6 is the most important provision in the Policy as it is a requirement for all municipalities to identify by Policy the term of office of their Deputy Warden or Deputy Mayor. The model Policy provides language for either of 2 alternatives: a 4 year term (same as for Council) or a 2 year term.

- Sections 7 and 8 provide for resignation and removal from office, tracking the text contained in the M.G.A. for removing a Warden.

- Unless Council wishes to identify additional powers to those conferred by statute, section 9 can be deleted.

- The chapter # in the Policy title bar should be replaced by each municipal unit with the chapter # it assigns to this Policy.

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